

MONROE COUNTY SHERIFF'S OFFICE

General Order

CHAPTER: 032-P		TITLE: Body-Worn Cameras	
EFFECTIVE DATE: June 8, 2016	NO. PAGES: 9	REVIEWED/REVISED: August 8, 2019	
REFERENCE: CALEA 41.3.8, 83.2.2		RESCINDS:	
 Sheriff of Monroe County			

I. PURPOSE: The purpose of this General Order is to provide operating guidelines and procedures for the proper use, maintenance and storage of body worn cameras (BWC) and the data recorded by BWC. Monroe County Sheriff's Office (MCSO) will provide BWC to its members to record audio and video while in performance of their duties. When on duty, members shall use the BWC when it is appropriate and consistent with this order and applicable law. The goals of using BWC include: [CALEA 41.3.8 a, 83.2.2 b]

- A. Enhance deputy safety
- B. Improve evidence collection
- C. Promote trust between the public and MCSO
- D. Increase subject compliance
- E. Reduce false claims or possible litigation involving deputy misconduct
- F. Reduce the need for use of force
- G. Identify possible training issues

II. DISCUSSION [CALEA 41.3.8 a]

- A. All MCSO members shall comply with this general order. A violation of this policy may result in disciplinary action, including termination.
- B. This order does not apply to the use of surreptitious recording devices used in undercover operations.
- C. Safety of officers and citizens is paramount. At no time should members disregard safety for the purpose of video and/or audio recording.

III. PROCEDURE

A. Administrative Control and Training [CALEA 41.3.8 f]

- 1. The Information Systems Director or designee will oversee the BWC program and will coordinate training through the Training Division.

2. The Training Division will ensure that a current list is maintained of all members trained to operate BWC.
3. The Training Division will coordinate and ensure that all deputies and their supervisors receive training on the general operation and legal/evidentiary aspects of BWC.
4. All deputies and supervisors assigned BWC must complete an agency-approved training program to include:
 - a. Camera operation (activation and deactivation)
 - b. Proper placement of the camera on the uniform
 - c. Department policy and relevant state and federal laws on BWC usage
 - d. Review of procedures for recordings to be used as evidence
 - e. Basic maintenance
 - f. Scenario-based exercises
 - g. Procedures for downloading and classifying recorded data
 - h. Procedures for accessing and reviewing data
 - i. Procedures for documenting and reporting any malfunctioning BWC or related systems
5. The Training Division shall ensure that all BWC familiarization training is incorporated into the Field Training Program.
6. The Professional Standards Division shall perform an annual review of MCSO BWC practices to ensure conformity with the agency's policies and procedures and shall conduct a documented annual review of at least 10 BWC captured videos. Recommendations for changes, training and/or further investigation will be made if any deficiencies or concerns are found. [CALEA 41.3.8 g]
7. Supervisors shall ensure that all members utilize BWC according to MCSO policy.

B. Operating Procedures

1. The issued BWC equipment is the responsibility of each individual officer and will be used with due care to ensure proper functioning.
2. Only members who have been trained in the use of MCSO-issued BWC are permitted to wear BWC. The following members shall be issued BWC, shall wear them as a mandatory part of their uniform and shall operate them according to policy:
 - a. Road patrol deputies and sergeants
 - b. School resource deputies
 - c. Civil deputies
 - d. Traffic deputies

- e. Airport deputies and sergeants
 - f. Detectives
3. Only members described above or those approved by the Sheriff or designee, in advance and in writing, shall use BWC while on duty or in the performance of their duties.
 4. Deputies shall position BWC on their uniforms in a location approved by the Sheriff or the Sheriff's designee in writing. BWC may not be moved to obstruct or change the intended view.
 5. Each BWC will be assigned and configured for use by an individual member. No member shall use a BWC not assigned to them, and no supervisor shall issue or order a deputy to utilize a BWC not assigned to them.
 6. Each deputy will perform a function check at the beginning of each shift to ensure the BWC is operationally ready. If any part of the BWC is not functioning properly, the member shall immediately notify his/her supervisor. If the BWC stops working properly during the shift, the deputy shall immediately notify his/her supervisor and document the issue in the related written records such as offense reports, incident reports and citations. [CALEA. 41.3.8 e]
 7. Deputies shall immediately report malfunctions, damage, loss or theft of a BWC to their immediate supervisor. Supervisors shall ensure that they or their subordinates also report BWC issues to the Information Systems Director or designee as soon as practicable after becoming aware of same. An incident report must be completed when a BWC is damaged, lost or stolen. [CALEA 41.3.8 e]
 8. Deputies who are issued BWC equipment shall ensure that the video and audio recording functions remain on at all times during the following circumstances: [CALEA 41.3.8 b]
 - a. Vehicle stops
 - b. Calls for service
 - c. Searches
 - d. Use of force situations
 - e. Foot pursuits
 - f. Miranda rights admonitions/requests for consent to search
 - g. All encounters where the subject is believed to be involved in criminal activity
 - h. Members shall activate the BWC during the course of any encounter with the public that becomes adversarial after the initial contact if/when it is safe to do so; or in advance of such an encounter if the deputy has reason to believe the encounter may become confrontational
 - i. In the event that an In-Car Arbitrator is not available or is inoperable, the BWC will be utilized to record the transportation of any suspect, victim, witness or any individual other than MCSO employees in an MCSO vehicle
 - j. All nonconsensual encounters

- k. Service of process
 - l. Pedestrian stops (to include deputy-initiated consensual encounters)
 - m. Crowd management and control involving enforcement or investigative contacts
 - n. Witness or victim interviews (See Exceptions)
 - o. 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 that evidence of a crime is present.
 - p. Other investigative or enforcement activities where, in the deputy's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review
 - q. Crashes involving MCSO vehicles
9. Once activated, BWC will not be turned off or deactivated until the incident/event is concluded or pursuant to an approved exception listed below. Members engaged in an incident who realize they failed to activate their BWC at the onset shall activate the camera as soon as safely practicable.
 10. Deputies are encouraged, but not required, to inform individuals that they are being recorded when feasible. Deputies are not required to obtain consent from members of the public when the deputy is engaged in an investigative or enforcement activity and is lawfully in the area where the recording takes place. For example: a deputy who lawfully enters a business or a residence shall record any enforcement or investigative activity, as set forth above, but is not required to obtain consent from members of the public who may also be present. In addition, deputies are not required to play back body worn camera recordings to allow members of the public to review the video footage.
 11. Deputies are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
 12. Exceptions: Activation of the BWC is not required in the following situations:
 - a. While performing administrative functions, such as report writing after the citizen/arrestee interaction has ended
 - b. While on breaks
 - c. By the deputy in charge when discussing or exploring investigative strategies or options with other law enforcement officers or criminal justice professionals. However, the BWC shall not be left off longer than necessary for this purpose.
 - d. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational
 - 1) The deputy must determine whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.
 - 2) If a BWC is deactivated or not activated pursuant to this section, the date and time of the incident and the reason for deactivating the BWC must be documented in the report documenting the incident in question.

- e. Where recording would risk the safety of a confidential informant, citizen informant or undercover officer
- f. Deputies may deactivate BWC under circumstances where no information of value will likely be captured. For example: when assigned to the perimeter of a crime scene. When in doubt, deputies should err on the side of recording.
- g. Detectives are not required to wear BWC when not in uniform. However they may do so in furtherance of their duties when appropriate.

C. Documentation

1. Deputies submitting an incident report or completing a written statement shall indicate whether their BWC was activated, whether it captured footage related to the incident and list the video as evidence in the appropriate section of their report.
2. Deputies must fully document, in CAD or their report, the date, time and the reason for any:
 - a. Failure to activate the BWC prior to initiating a law enforcement or investigative contact when required
 - b. Failure to record the entire contact
 - c. Interruption of a recording for any reason
3. Members shall classify each video recorded by their BWC by the earlier of:
 - a. The member's next shift, or
 - b. The writing of a report regarding the event.
4. If a member knows or should know that they may take leave that will result in the failure to classify a BWC recording within 5 calendar days, they shall notify their supervisor prior to taking such leave. The member's supervisor shall ensure that the record is classified as soon as practicable, but in no event more than 5 calendar days after the event was recorded.
5. Florida law requires that BWC records be retained for specific minimum periods determined by the content of the record. It is extremely important that members take great care in classifying BWC records. Willful misclassification could result in criminal and civil liability as well as discipline, up to and including termination.
6. Supervisors shall ensure that all BWC records are properly and classified as soon as practicable.

D. Prohibitions [CALEA 41.3.8 b]

1. Deputies are prohibited from using BWC for any purpose other than their official law enforcement duties.
2. BWC shall not be activated when the deputy is in a location where there is a reasonable expectation of privacy (e.g. residence, restroom, dressing room, locker room, hospital) and the deputy is not involved in an investigative or enforcement activity.
3. BWC shall not be used to record undercover deputies and confidential informants without the approval of the Sheriff or designee.

4. Use of BWC during strip searches is prohibited.
5. BWC should not be activated when discussing strategic or tactical operations.
6. Members shall not make copies of any BWC recording or disseminate any BWC recording to the public, any media outlet, social media or any other employee except in the course of official duties. The posting of BWC footage to any social media site, without prior written approval of the Sheriff or designee, is strictly prohibited.
7. Members 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. If a non-agency member asks to see a member's recording of an incident, the member shall refer the requestor to the Central Records Division to initiate a public records request.
8. Members shall not erase, alter, reuse, modify or tamper with any recording. The recording may only be deleted in accordance with the applicable law. Officers will be held to a high degree of accountability for the security, processing, care and maintenance of all agency recordings.
9. Members shall not make copies of any BWC file for personal use.
10. All recorded media, images and audio from the BWC are property of MCSO and shall not be copied, released or disseminated in any form or manner outside the parameters of this policy without the approval of the Sheriff or designee.
11. Members shall not use BWC to record any personal conversation of, or between, another member/employee without such members/employee's knowledge or permission except pursuant to an approved investigation.
12. Members are prohibited from using a secondary recording device, such as a phone camera or video camera to record media captured from the BWC recording system. [CALEA 83.2.2 d]
13. 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.
14. Members may not view a recorded incident for the purpose of entertainment or amusement.
15. Members are prohibited from using privately owned BWC while on duty.
16. Body camera recordings made outside of, or in conflict with, this policy shall not be authorized by, or deemed to be made by or on behalf of, MCSO.
17. No member shall wear, use, maintain or store body cameras until they are trained on MCSO policy and procedures concerning them.

E. Uploading BWC Files

1. The BWC operator (deputy) shall:
 - a. Upload the video file to the server via a wireless MCSO access point or docking station at an MCSO facility, and
 - b. Assign the appropriate video storage category to the BWC recording
2. BWC recordings related to a criminal or administrative investigation will be treated as any

other digital evidence. To ensure proper chain of custody, the BWC shall remain in the sole possession of the assigned deputy until properly uploaded. Except in critical incidents as described below.

3. A supervisor will immediately take physical custody of the BWC in deputy involved critical incidents including shootings, in-custody deaths or incidents involving serious bodily injury. The supervisor will personally maintain chain of custody of the BWC and ensure that all audio and video is uploaded.
4. Deputies who work details and are issued a BWC shall utilize it according to this policy and shall upload any BWC video in accordance with this policy. Supervisors are responsible for ensuring the upload is completed timely.

F. Data Access And Review [CALEA 41.3.8 c]

1. Internal Use

- a. Training Division staff may review a specific recording or randomly selected recordings for the purpose of training.
- b. Incidents captured on a BWC recording will be made available to Internal Affairs or Professional Standards investigators for administrative or criminal investigations.
- c. Deputies may review their own BWC recordings for report writing, training purposes, preparation for court appearances and investigations.
- d. Supervisors shall ensure all employees utilize BWC in accordance with MCSO policy. Supervisors may review recordings of their subordinates only and for the following purposes only:
 - 1) Conducting administrative investigations approved by the Sheriff or Inspector General
 - 2) Probationary evaluation
 - 3) When the command has issued an early warning notice for the deputy
 - 4) When the deputy is placed on a performance improvement plan
 - 5) To ensure compliance with policy
- e. The officer in charge or commanding officer of the investigative unit assigned an incident recorded by BWC shall have authority to permit the duplication and internal distribution of the BWC files consistent with MCSO policy.
- f. Any member requesting to duplicate or distribute a BWC recording shall obtain prior approval from the officer in charge or their commanding officer.
- g. BWC recordings are limited to those who have a need-to-know and a right-to-know and are for law enforcement purposes only.
- h. If a member discovers misconduct during any review of BWC, the member shall report the potential misconduct to a superior officer or Internal Affairs as soon as practicable.

2. External Use

- a. Public Records Requests: Requests for video or audio recordings will be handled in accordance with Chapter 119 of the Florida Statutes. Only the Central Records Division shall process such requests.
- b. Only the Sheriff or designee, director of the Records Division or designee or the Public Information Officer or designee, may satisfy requests for copies for public use. Video/audio recordings obtained on agency BWC recording equipment shall not be released to the public without prior approval from an authorized person designated above. Request for copies of digital video which extend outside the agency or the State Attorney's Office shall be subject to the provisions of F.S. Chapter 119.
- c. All requests for video captured at Key West International Airport must be reviewed by the MCSO airport security director or designee prior to dissemination to ensure that no security-sensitive information is released.

G. Retention [CALEA 41.3.8 d]

1. The Information Systems director shall ensure that BWC files will remain on the secure BWC server for the periods defined in each classification. The director of the Records Division shall ensure that the classification categories are consistent with applicable law and timely report any required changes to the Information Systems director.
2. If a BWC accidentally or inadvertently captures an unintended recording, the member may submit a memorandum through chain of command specifying the date, time, location and a summary of the unintentionally recorded event. This memorandum shall be forwarded to the Central Records Division supervisor or their designee for evaluation and appropriate action.
3. Digitally recorded events are managed for retention by back office automated software located on the MCSO network server. These recordings are retained in adherence with this written directive and the statutory requirements pertaining to the storage of video/audio evidence. The back office server will be programmed to perform automated purges to delete any video/audio files set to expire as described in this written directive. If a digitally recorded event is required beyond the minimum retention period of each category, as required by law or this written directive, it is the responsibility of the originating deputy sheriff to request that the evidence be reclassified.

Incidental	90 days
Citizen Complaint	3 yrs
Felony	13 yrs
Misdemeanor	5 yrs
Homicide/Sex Offense/Unsolved missing person/unidentified recovered persons	Indefinite
Agency Vehicle Crash	4 yrs per
Traffic citation	90 days
Baker act	4 yrs
Deputy Injury	7 yrs
Use of Force	5 yrs
Default	Indefinite
Litigation hold	Indefinite
Civil process/return	3 yrs

H. Equipment Maintenance And Storage [CALEA 41.3.8 e]

1. The Information Systems director or designee is responsible for the following:

- a. Maintain and troubleshoot the BWC units
 - b. Maintain a record of assigned BWC and related equipment
 - c. Maintain storage systems for BWC data
 - d. Arrange for the warranty and non-warranty repair of the BWC units
 - e. Repair or replace BWC components (cameras, docking stations, etc.)
 - f. Maintain BWC equipment repair and maintenance records
 - g. Update software and system settings as necessary
2. Members shall not attempt to repair BWC equipment. Members shall clean and maintain the equipment in accordance with the manufacturer's specifications.
 3. Any member who is assigned a BWC shall coordinate with the Information Systems director or designee prior to any subsequent transfer to exchange/account for their BWC.