



NORTH MIAMI POLICE DEPARTMENT

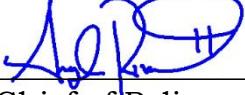


STANDARD OPERATING PROCEDURES

BODY-WORN CAMERA 100.11

EFFECTIVE DATE: 03-17-23

APPROVED: _____


Chief of Police

SUPERSEDES: 02-07-20

CFA: 32.02

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I. PURPOSE

To establish guidelines and procedures for the use, maintenance and management of body-worn cameras (BWC). The primary uses of the BWC are to enhance officer safety, public safety, and promote accountability and transparency. BWCs will also provide a tool for self-critique and field evaluation during officer training. BWCs will not capture exactly what an officer sees and/ or hears or when an officer senses or experiences. Footage captured by BWCs is only a portion of the encounters between law enforcement officers and individuals. An officer's recollection of specific details may be different from what is captured by the BWC.

II. POLICY

It is the policy of the Department to utilize BWCs to document law enforcement interactions with the public by recording evidence of actions, conditions and statements. Officer safety shall not be compromised in order to record an event.

III. SCOPE

This policy applies to all members of the Department.

IV. DEFINITIONS

- A. **Body-Worn Camera (BWC)** - A portable electronic recording device that is worn on a law enforcement officer's person that records audio, video and still photo data of the officer's law-enforcement-related encounters and activities.
- B. **BWC system** - Includes the body-worn camera, microphone, battery pack, docking and charging equipment, video storage solution, evidentiary controls, and privacy redaction functions.
- C. **BWC Administrator** - An authorized representative of the North Miami Police Department who is a trained operator and assigned to operate the BWC equipment, as well as being responsible for overall maintenance, management, and retention. The BWC Administrator will be responsible for all public records requests pertaining to the data captured on the BWC.
- D. **Data** - Audio, video, still photos, and metadata captured on the BWC.
- E. **Calls for Service** - Any dispatched or self-initiated activity by any employee to resolve, correct or assist in a particular law enforcement situation.
- F. **Citizen Interaction** - Any call for service, consensual encounter, investigatory stop, traffic stop, arrest, pursuit, use of force, search, interview, or any other form of law enforcement contact with, or observation of, a member of the public or person under investigation or detention.
- G. **Issued BWC** - Collectively means an issued or replacement BWC, and all its pertinent parts, authorized and configured by the BWC System Administrator or designee.
- H. **Evidentiary value** - Digital media that contains any evidence of a possible or actual civil or criminal matter, which can be used in a court of law.
- I. **Non-evidentiary value** - Digital media that contains events to be used for administrative purposes, training, or non-criminal events.

V. PROCEDURES

A. Operation and Use

1. The use of BWC is mandatory for the following employees working regular duty, overtime, or off-duty work:
 - a. Uniformed Police Officers, Uniformed Reserve Police Officers, and Uniformed Sergeants.
 - b. Commanders as designated by the Chief of Police.
 - c. Investigators who are assigned a BWC are to use the BWC when wearing their police uniform for an extra shift, off-duty work or a special detail.
2. Investigators assigned a BWC shall have discretion, during follow-up investigations, whether to record investigatory encounters with the public, witnesses, persons of interest, suspects, and/ or subjects. Investigatory encounters include, but shall not be limited to, interviews, interrogations, statements, confessions, utterances and/ or searches.
3. In the case of a BWC recording images of undercover officer(s), confidential informant(s) and/or other persons who may be exempt or protected from disclosure under state (i.e., 119.071) or federal statutes, a written notification, via city e-mail, will be made to the supervisor and BWC Administrator in order to further restrict the video.

B. BWC User Procedures

1. The BWC and accessories will be assigned to BWC trained officers. Individual officers will be responsible for the care and custody of the BWC. BWCs will be secured at all times and not left in vehicles.
2. Personnel assigned to wear a BWC shall have the discretion to choose the placement of the device on their uniform in a location(s) approved by the Department and consistent with vendor recommendations.
3. Officers will make every effort to activate their BWC as soon as practicable when involved in an official law enforcement matter

(unless there are exigent circumstances affecting officer safety):

- a. The BWC shall be activated at the time of dispatch to a call for service, and immediately at the start of a self-initiated call, to include: **CFA 32.02B**
 - 1). Traffic stops;
 - 2). Impaired driver investigations;
 - 3). Vehicle/ foot pursuits;
 - 4). Transportation of any prisoner(s) or citizen(s) for any reason;
 - 5). All searches (person, vehicle, structure, etc.)
 - 6). Arrests;
 - 7). Response to crime scenes;
 - 8). Arrival at a scene as an additional unit will require that officer to begin recording, and continue to record until the conclusion of the event; and
 - 9). Any other law enforcement contact where the officer believes it is in the best interest of the Department and the community.
4. An officer who fails to activate their BWC when required shall:
 - a. Notify his/her immediate supervisor as soon as practicable, but no later than the end of their tour of duty or detail; and
 - b. Document the name of the supervisor notified and the reasons for failing to activate the BWC. The BWC Notification Form (Attachment 'B') shall be completed, and turned in to their supervisor, by the end of the tour of duty or detail.
5. Prohibited Actions and Conduct **CFA 32.02C**

It shall be prohibited to use the BWC:

 - a. During discussions with other law enforcement personnel concerning tactical, investigative and/ or administrative strategies or options on a specific case;

- b. While on breaks;
- c. Non-law enforcement use;
- d. During conversations with fellow Department personnel without their knowledge, during routine non-enforcement activities;
- e. During conversations with confidential informants or undercover officers;
- f. During any court-related matter, to include pre-file conferences, depositions, or any other activity within a courtroom;
- g. During strip searches;
- h. Any footage in places where there is a commonly held expectation of privacy (e.g. locker rooms, dressing rooms, break rooms and restrooms) unless responding to a call for service; and
- i. While inside any police or City owned facility, unless the officer is in the process of handling an official law enforcement matter.

6. **Prohibitions:** The prohibitions set forth in this section do not apply in circumstances where the BWC is recording conduct pursuant to a specific law enforcement action approved by the Chief of Police, or his/ her designee.

- a. Releasing, posting or sharing any BWC footage on the Internet and/or social media is prohibited unless authorized by the Chief of Police, or his/her designee.
- b. Making copies of any BWC recording for personal use; or using a secondary recording device (e.g. cameras, cell phones and tablets) to record images or audio captured by the BWC is prohibited.
- c. Tampering with the BWC or employing any device which interferes with its operation is prohibited.
- d. Erasing, altering, modifying or tampering with any recording captured by a BWC is prohibited.
- e. Allowing citizens to review any recordings is prohibited,

except when appropriate in response to a public records request or court order.

- 1). Any officer approached with a request by a citizen to view any BWC video footage shall direct the requesting citizen to the BWC Administrator for a formal public records request.
- f. Using personal or privately-owned BWCs while working in an on-duty or off-duty capacity is prohibited.
- g. The Chief of Police or his/ her designee may authorize the release of specific BWC footage when he or she deems it to be in the best interest of the Department.
- h. Officers shall immediately notify their immediate supervisor and provide details of any restricted and or prohibited footage captured by their BWC.
7. The BWC shall be activated during all interactions with adult and juvenile detainees, including transportation of the detainee to the proper receiving facility and holding areas, unless prohibited by the facility.
8. Officers who are in doubt about recording an incident, shall activate their BWC and request guidance from their supervisor at the conclusion of the incident.
9. Officers are not legally obligated to advise people that they are being recorded by the BWC; neither are officers required to obtain consent from individuals to video/ audio record; however, if asked, officers shall acknowledge that their BWC is recording.
10. Officers may turn off the BWC:
 - a. For intelligence gathering or to obtain information for a criminal investigation when a citizen will not provide said information on video. Supervisory notification must be made at the conclusion of the event, and the BWC Notification Form (Attachment 'B') shall be completed, and turned in to their supervisor, by the end of the officers tour of duty or detail.
 - b. In locations where individuals, such as victims, witnesses, etc., have a reasonable expectation of privacy, such as a residence, hospital, or place of worship, an officer may honor a victim's request to turn off the BWC, unless the recording

is being made pursuant to an arrest or search of the residence or the individuals therein. Supervisory notification must be made at the conclusion of the event, and written notification to the BWC Administrator. The BWC Notification Form (Attachment 'B') shall be completed, and turned in to their supervisor, by the end of the officer's tour of duty or detail.

- c. Officers should balance the need to capture data of non-evidentiary value with the dignity of individuals, such as, but not limited to, victims of sex crimes, who may be experiencing matters of a distressing nature, and may turn off their BWC as deemed appropriate. Supervisory notification must be made at the conclusion of the event, and written notification to the BWC Administrator. The BWC Notification Form (Attachment 'B') shall be completed, and turned in to their supervisor, by the end of the officer's tour of duty or detail.
- d. During informal interactions or conversations with the public that are routine in police work, such as exchanging pleasantries, providing directions, making friendly conversation with local merchants, or attending community meetings;
- e. While performing administrative functions, such as report writing, after the citizen/ arrestee interaction has ended.

11. In all cases where a Computer Aided Dispatch (CAD) incident is generated, whether dispatched or self-initiated, officers shall document the use of the BWC at the bottom of all Departmental-related reports (Offense Report, Incident Report, Supplemental Report, Arrest Affidavit, Field Investigation, Traffic Citation, etc.), or in CAD disposition notes if no report is required. **CFA 32.02D**

- a. When an arrest is made, the name of every officer who recorded BWC footage related to the incident shall be listed on the last line(s) of the Incident/Offense report.

12. The BWC shall only be deactivated:

- a. Upon the conclusion of the law enforcement citizen interaction, incident, call for service, police event, arrest, transport or when returning to service;

- b. When directed by a supervisor and the reason should be documented on camera.
- 13. Officers using a BWC during an interview, statement, confession, and/or utterance interrogation, shall:
 - a. Document the existence of a recorded statement on all related reports;
 - b. Properly record Miranda warnings when given; and read per card.
 - c. Attempt to secure signed consent and/ or waiver forms;
 - d. Document all consents, waivers and/ or refusals on camera and in writing; and
 - e. Supplement the BWC with a traditional digital audio recording device when available.
- 14. Officers shall only use their issued BWC, or a replacement authorized and configured by the BWC System Administrator or his/ her designee.
- 15. Viewing, Data Transfer and Categorizing BWC Recordings
 - a. Recordings may be viewed by:
 - 1). Involved officers BWC videos, supervisors and investigators when preparing Departmental reports to ensure the accuracy and consistency of their documentation;
 - 2). An involved officer prior to making a statement concerning a recorded incident that might be used in an administrative review or court proceeding;
 - 3). The City Attorney or his/ her designee.
 - 4). The Office of Professional Compliance will review BWC footage when internal or external complaints are received.
 - b. Recordings may be accessed immediately after upload via the

website: northmiamipolice.evidence.com

- c. Officers shall accurately categorize and identify BWC recordings at the conclusion of each incident, but no later than the end of their tour of duty.
- d. Officers shall contact their supervisor if they need assistance with identification, categorization or retention guidelines of BWC recordings. The Supervisor may contact the BWC Administrator, or his/ her designee, for further assistance as needed.
- e. BWC devices shall be placed in the respective docking station at the conclusion of each officer's tour of duty or detail by the officer assigned the BWC, where it will be downloaded and charged. Once docked, the BWC shall not be removed until the upload process has been completed.
- f. The BWC battery life capacity is limited. Officers will ensure that their BWC has sufficient charge at all times.
- g. A BWC with a depleted data capacity must be docked as soon as practicable. An officer docking a BWC for this reason prior to the completion of a regular or overtime shift, must promptly notify his/ her immediate supervisor of the BWC's status.
- h. Supervisors will review BWC video recordings in the following circumstances:
 - 1). To document heroic actions and/or other commendable service for appropriate recognition and commendation;
 - 2). To investigate a complaint against an employee or a specific incident in which the employee was involved;
 - a). When there is a pattern of allegations of abuse, misconduct, or the Action Review System (ARS) has been triggered;
 - b). To identify videos for training purposes and

- instructional use;
- c). To monitor identified performance issues of an employee in their chain of command and/ or during an officer's probationary status.
- d). Supervisors will also review BWC data in response to an observed performance deficiency, however, BWC data will not be utilized indiscriminately for disciplinary purposes.
- 3). With the exception of officer involved shootings or other critical incidents that result in serious bodily harm or death, supervisors will review BWC video in all cases where there was a use of force, pursuit, canine is utilized to search for a person, injury to an officer, injury to a prisoner, citizen complaint, or any other circumstance where the video may clarify events.
- 4). Supervisors will document their reviews in a report appropriate to the incident (e.g., Supervisor's Control of Persons, Vehicle Chase Critique, and Allegation of Misconduct).

16. Critical Incidents and Special Circumstances

- a. During the course of a shift, officers equipped with BWC may encounter situations where critical incidents or special circumstances are captured on video. Those situations require an immediate response from investigative units and include, but are not limited to, the following:
 - 1). Officer-involved contact shootings;
 - 2). Officer-involved non-contact shootings;
 - 3). In-custody deaths;
 - 4). Officer-involved traffic crashes with fatalities or serious injuries;
 - 5). On-scene complaints of excessive force; and
 - 6.). Serious injury or death of an officer in the line of duty.
 - 7). Incidents where evidence may be seen on video,

i.e., a tossed weapon.

- 8). Incidents where a subject or subject's vehicle is seen on video.
- b. During these circumstances, officers equipped with BWC that captured the incident shall stop recording when directed by a supervisor, and the reason documented on camera, or at the conclusion of the event, by powering down the device. The video should be uploaded by the BWC Administrator, or designee, prior to viewing unless exigent circumstances exist.
- c. The position of the BWC will be documented as soon as practical.
- d. The lead investigator, whether North Miami or Florida Department of Law Enforcement, with the assistance of a Crime Scene Technician, will retrieve the BWC device from the officer and process it according to the Department's standards for the handling of evidence. In addition, the lead investigator, or his/her designee, will also coordinate the response of the BWC Administrator, or his/ her designee, who will be responsible for the recovery and storage of all video evidence captured on the device.
- e. Officers equipped with BWC devices should be cognizant that any conversations following the event will be captured on the device. Therefore, protected conversations with counsel, clergy or family should not take place until the device is completely powered down and/or removed.

17. Supervisory, Inspection and Audit Responsibilities:

- a. Supervisors shall ensure that officers comply with all BWC policies, procedures and training.
- b. Supervisors have an obligation to confer with officers at the end of each tour of duty to ensure that BWC recordings are categorized, identified and preserved in a manner consistent with this policy.
- c. If an officer fails to activate the BWC when required, or improperly deactivated the BWC without the required supervisor notification and completion of the Body Worn

Camera Notification Form (Attachment "B") as set forth in this policy, the respective Unit/Shift Commander shall direct further action if he/she determines that an employee's acts were intentional. Supervisors will also follow this protocol if prohibited video was captured by the BWC user.

- 1). If the Unit/Shift Commander determines that a restricted/prohibited recording was inadvertent or unavoidable, the details of the incident shall be provided to the Chief of Police or his/ her designee, who shall provide further direction to the BWC System Administrator or his/ her designee.
- d. The review of data contained in the BWC system shall be to assess training needs and to ensure compliance with departmental policy. Compliance will be monitored as follows:
 - 1). Shift Commanders will conduct monthly BWC policy compliance reviews consisting of the review of ten (10) random incidents involving personnel under their command.
 - 2). Commanders shall complete a Body Worn Camera Monthly Random Review Form (Attachment 'C'), and forward the findings of the random review to the Major administering the Body Worn Camera program, or his/her designee.
 - 3). Supervisors may use data captured via the BWC system for training purposes with proper and prior authorization from the Chief of Police, or his/ her designee. Officers will have their identity redacted.
18. BWC System Administrator, or his/ her designee, with the assistance of Information Technology, when applicable, shall be responsible for:
 - a. Ensuring that BWC recordings and data are kept in a closed, cloud-based solution, which is regularly managed and audited. These features ensure the integrity of the data uploaded to the cloud. The BWC Administrator, or designee, will maintain custody of this cloud-based system.
 - b. Setting and maintaining user and group authority levels, passwords, and any other required configuration of the evidence storage system under direction of the Chief of Police

or his/ her designee;

- c. Managing inventory, issuing devices, training (in conjunction with the Training Unit), and updating device settings;
- d. Assisting with manual uploads to the external cloud server, when necessary;
- e. Handling recordings to include restricted/ prohibited footage pursuant to direction from the Chief of Police or his/ her designee;
- f. Managing the list of categories and notifying supervisors on a weekly basis when users fail to categorize their BWC recordings in conjunction with this policy, or otherwise fail to properly use, store or maintain their issued BWC. Notification will be made by way of weekly reports to the Administrative Section Major.
- g. Providing support to Department employees in all aspects of the BWC and video storage system;
- h. Providing audit reports of monitoring and log access to recorded, deleted, copied and/or redacted recordings;
- i. Maintenance of the BWC system for the management of video retention and video purging; and
- j. Conducting forensic reviews when directed by the Chief of Police or his/her designee to determine whether:
 - 1). Equipment has been tampered with or modified;
 - 2). Recordings have been modified or deleted;
 - 3). Unauthorized viewing of videos has occurred.
- k. Continuously monitoring the Department's use of BWC with a documented annual analysis to identify necessary policy and procedure modifications, program continuation, and review of camera-captured statistics (frequency and quantity). The documented annual analysis shall be forwarded to the Chief of Police or his/ her designee.
- l. Satisfy all public record requests to include the redaction of videos, when necessary, as prescribed by state statute.

- m. The BWC Administrator shall only access BWC video, audio, and still photo data pursuant to the processing of public record requests and/ or a BWC management necessity, unless specifically approved by the Chief of Police, or his/ her designee.

VI. MAINTENANCE

A. User:

1. Officers shall inspect their BWC and all associated equipment at the beginning and end of their shift.
2. Officers shall ensure that the BWC lens and microphone are clear of debris that may obstruct or in any way degrade images or audio by using the proper cleaning materials
3. Officers shall ensure their BWC battery is fully charged at the start of their assignment.
4. Any damage, malfunction or other operational problem shall be immediately reported to the officer's supervisor.

B. Supervisor:

1. When notified that a BWC is damaged, malfunctioning, or has an operational problem, the supervisor shall inspect the device and decide whether to continue using the BWC, or return it for replacement. Supervisors must consider the extent of damage, and the availability of spare or replacement devices. The supervisor shall notify the BWC Administrator or his/her designee in writing of the damage, malfunction or other operational problem via city e- mail account, and shall complete a Request for Replacement of Equipment Form (Attachment 'A') describing the nature of the problem and the spare camera assigned to the officer.
 - a. Any spare BWC will be logged on the shift log.
 - b. Once the spare BWC is signed out, the user's supervisor will contact the BWC Administrator, or his/ her designee, to activate the device.
2. BWC devices shall be inspected and documented during annual inspections.

C. BWC System Administrator, or his/ her designee:

1. Shall evaluate all devices turned in due to damage or malfunction.
2. Any device, which cannot be repaired by the BWC System Administrator, or his/ her designee, shall be sent to the manufacturer for repair.
 - a. BWC spare devices will be housed in a locked cabinet and shall be marked by shift, i.e., Spare "A" 01, "B" 02, "C" 03, etc.
 - b. The BWC Administrator, or his/ her designee, will conduct periodic inspections of the spare camera shift logs and the functionality of the spare cameras available.

VII. TRAINING

- A. Officers shall receive hands-on training prior to being issued a BWC. Initial training shall include: **CFA 32.02A**
 1. Thorough review of this SOP and relevant state and federal laws governing consent, evidence, privacy, and public disclosure;
 2. Hardware operation, charging, docking, malfunctions, lost or damaged equipment;
 3. Identification, categorization, video transfer procedures, video access, security, retention guidelines, reporting improper recordings, and preparing and presenting digital evidence for court; and
 4. Hands-on exercises that replicate operating the BWC and maintenance.
- B. Training shall be given to all personnel issued a BWC
 1. The BWC Administrator, and his/ her designee, will receive video redaction training from the BWC system vendor.
 2. Annual retraining will be conducted at roll call or during in-service.
 3. The BWC System Administrator, along with the Training Unit,

shall ensure that all BWC training meets current manufacturer guidelines and specifications.

VIII. DATA RETENTION GUIDELINES AND PUBLIC RECORDS REQUESTS

- A. All video recordings collected, using the BWC system, are official records and are the exclusive property of the North Miami Police Department.
 - 1. Requests for deletion of portions of the recordings, (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief or his/ her designee, in accordance with state record retention laws. All requests and final decisions shall be kept on file.
- B. The release of BWC data through a public records request or other legal authority shall be governed by applicable law.
- C. Prior to releasing any BWC recordings, pursuant to public records requests, the BWC Administrator, or his/ her designee, will ensure that any and all redactions are in compliance with Florida's public records laws, consulting with the City Attorney's Office as necessary.
- D. Non-evidentiary data shall be retained for at least 90 days, or as long as needed for administrative investigations or litigation.
- E. All data will be retained in compliance with the retention schedules published by the Department of State, Division of Library and Information Services. **CFA 32.02E**
- F. Police interaction or delivery of police services that may be perceived as controversial shall be reviewed by the Chief of Police or his/ her designee. The Chief or his/ her designee, shall set the appropriate category for retention in conjunction with this policy and with proper notification to the Chain of Command.

RETENTION PERIODS BY CATEGORY

Homicide Investigation/ Capital Felony - 99 years
Felony - 8 Years
Baker Act/ Medical Call - 5 years
City Vehicle Crash/ Employee Injury - 5 years
Misdemeanor Arrest - 5 years
Canine (K9) - 5 years
Warrant Arrest - 3 years
DUI - 3 years
Citations - 1 year
Traffic Crash - 1 year
Traffic Stops - 180 days
Transport - 180 days
Routine Calls - 90 Days
Departmental - 5 years
Non-law enforcement - 90 days

Attachment 'A'

NORTH MIAMI POLICE DEPARTMENT
REQUEST FOR **REPLACEMENT** OF EQUIPMENT

DATE: _____

LAST NAME

FIRST NAME

BADGE/ID#

I REQUEST TO BE RE-ISSUED THE FOLLOWING EQUIPMENT/ITEM(S):

REPLACEMENT ITEM

SERIAL # OR I.D.#

DEFECTIVE ITEM

SERIAL # OR I.D.#

PROBLEM WITH ORIGINAL ITEM:

NEW EQUIPMENT RECEIVED BY:

Print Name

Signature

Badge/ID #

Date

AUTHORIZED BY SUPERVISOR:

Print Name	Signature	Badge/ID #	Date
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Cmdr. /Major*

Print Name	Signature	Badge/ID#	Date
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*Required if a firearm, CEW, BWC, or property valued at \$100 or more

FOR QUARTERMASTER USE ONLY:

RETURNED BY: _____

DATE: _____

RETURNED TO: _____ Badge/ID# _____ Signature: _____

NORTH MIAMI POLICE DEPARTMENT

BODY-WORN CAMERA NOTIFICATION FORM

Date: _____

Officer: _____ Supervisor: _____

Body-worn camera video was not captured during the listed call:

Date and time: _____

Case number: _____

Type of case: _____

Location: _____

Supervisor notified: _____

Date and time: _____

Reason for inactivation (check the applicable box and complete):

Citizen request

Citizen's name: _____

Mechanical problem

Describe: _____

Other reason

Describe: _____

Inactivation reason verified by: _____

Supervisor / Print and sign

Supervisor Comments:

Commander Review/Date and Sign: _____

Form must be forwarded to the Body-Worn Camera Administrator after review.

North Miami Police Department
Body-Worn Camera Monthly Random Review

To: Administration Section

Date: _____

Supervisor: _____

For Month: _____

The following cases were randomly selected and reviewed for policy adherence and/or any training needs. Please add any comments pertaining to any deficiencies on each entry, if necessary.

Proper Categorization	CAM Placement	Video Quality	Audio Quality
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Item #1

Case # _____



Primary Officer: _____

Comments: _____

Item #2

Case # _____



Primary Officer: _____

Comments: _____

Item #3

Case # _____



Primary Officer: _____

Comments: _____

Item #4

Case # _____



Primary Officer: _____

Comments: _____

Item #5

Case # _____



Primary Officer: _____

Comments: _____

North Miami Police Department
Body-Worn Camera Monthly Random Review

Proper Categorization	CAM Placement	Video Quality	Audio Quality
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Item #6

Case # _____

Primary Officer: _____

Comments: _____

Item #7

Case # _____

Primary Officer: _____

Comments: _____

Item #8

Case # _____

Primary Officer: _____

Comments: _____

Item #9

Case # _____

Primary Officer: _____

Comments: _____

Item #10

Case # _____

Primary Officer: _____

Comments: _____

Signature