CITY OF ORLANDO
POLICE DEPARTMENT

Policy: 1149.4, CSO Mobile Video Recording Systems
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I. PURPOSE

Mobile video recording systems are not a substitute for a CSO's reasonable beliefs and perceptions and cannot account for a CSO's physiological responses during certain incidents, such as visual tunneling and auditory exclusion. Mobile video recording systems should not be viewed as the only measure of truth because they may show more or less than what the CSO sees/hears/observes. Mobile video recording systems, however, have an important but limited use as one of many policing tools.

II. POLICY

It shall be the policy of the Orlando Police Department to utilize the Body-Worn Camera (BWC), collectively referred to as "Mobile Video Recording Systems," to document law enforcement interaction with the public with video and audio recordings. Through the use of mobile recording systems, this agency will better protect the rights of citizens, police officers, and CSOs while balancing privacy interests.

III. DEFINITIONS

Body-Worn Camera (BWC): A recording system that captures audio and video that is individually worn by assigned members and includes, at a minimum, a camera and audio recorder.

Critical Incident: A critical incident includes an officer-involved shooting, any in-custody death, and any other incident where the Chief of Police determines that the release of video recordings is required to promote transparency.

Docking Station: A fixed apparatus used to recharge and upload previously recorded audio and video (stored media) from the BWC.

Livestreaming: The activation of a live video stream from an officer's BWC. This feature is only available while an officer's BWC is actively recording.

Mobile Video Recording System: A device that includes a camera and audio recorder that allows members to audio/video record in-progress incidents of law enforcement encounters.

Mobile Video System Administrator (MVSA): A department member with full administrator rights who assigns and tracks equipment, controls passwords, acts as a liaison with equipment vendor representatives, and is the department's subject matter expert on all vehicle and body-worn recording devices.

IV. PROCEDURES

1. BODY-WORN CAMERA PROCEDURES

The Body-Worn Camera (BWC) is an additional means of documenting specific incidents in the field. Specific uses of the BWC are:

a. To enhance CSO safety.
b. To capture crimes in progress, whether perpetrated against the CSO or the community, and to maintain evidence for presentation in court.
c. To document initial response, the discovery of evidentiary items, and the actions of the CSO pursuant to an investigation.
d. To augment CSO safety when a citizen should reasonably know his or her actions and statements are being recorded.
e. To reduce unreasonable or false complaints made against CSOs of the department in the course of their duties.
f. To serve as a training and performance mechanism to ensure professionalism.

1.1 CSO RESPONSIBILITIES

1. Inspection and general maintenance of the BWC shall be the responsibility of the assigned CSO. The equipment shall be operated in accordance with the manufacturer's recommended guidelines and in compliance with agency training.

2. Except when inside an Orlando Police Department facility, the BWC shall remain in a powered-on state and shall be worn by the CSO in accordance with section 1.3 of this policy until the conclusion of the CSO's tour of duty. This is applicable to all CSOs assigned a BWC.
3. Prior to the beginning of each shift, the assigned CSO shall perform an inspection to ensure that the BWC is functional and fully charged. The camera features an LCD screen to indicate the operating mode and battery capacity. The BWC will emit audio prompts or beeps notifying the CSO of the system status, some of which may require the CSO's immediate attention. CSOs are responsible for monitoring battery power status to ensure their BWC has sufficient battery charge for the duration of their shift, as well as any extra duty work scheduled outside their tour of duty.
4. Malfunctions or other operational problems, damage, loss, or theft of the BWC must be immediately reported to the CSO's supervisor and the Mobile Video System Administrator (MVSA) via email. An incident report shall be completed any time a BWC is damaged, lost, or stolen.
5. When necessary, spare/replacement equipment will be obtained from the MVSA during normal business hours. During non-business hours, a Watch Commander can obtain a spare/replacement BWC from the Quartermaster Unit. An email shall be sent to the MVSA documenting the serial number, CSO's name, and the timeframe during which the camera was used. Since each BWC is specific to only one CSO, this is the only way that recordings associated with the CSO can be captured.
6. Only mounts approved for use by the Orlando Police Department may be used by CSOs for the BWC. All other mounts are prohibited.
7. All CSOs assigned a BWC who are in uniform and engaged in law enforcement-related activity, to include overtime details or extra duty are required to wear and utilize the BWC.
8. It is the responsibility of every CSO to ensure their issued BWC is operating with the most recent firmware updates from the manufacturer. CSOs are required to leave their BWC docked in a docking station that is connected to the internet for a minimum of three consecutive hours once per month OR connect their BWC to the supporting software and manually update the firmware once per month.

1.2 ACTIVATION OF THE BODY-WORN CAMERA

Buffering occurs in the first 60 seconds prior to activation. Only video is recorded during buffering.

This policy is not intended to describe every possible situation in which the BWC system may be used; however, a CSO shall activate the BWC, when arriving on the scene of a dispatched call for service or self-initiating law enforcement related encounters and activities. Examples of CSO related encounters and activities include but are not limited to:

- Physical or verbal confrontations;
- DUI investigations;
- Interviews;
- Responses to resistance;
- Crimes in progress;
- Taking a statement or information from a suspect or witness;
- Any situation or incident that the CSO, through training and experience, believes should be audibly and/or visually preserved.

It is ultimately each CSO's responsibility to ensure their issued BWC is activated in accordance with this policy.

1.3 DEACTIVITATION OF THE BODY-WORN CAMERA

Once the camera is activated to record it may not be deactivated while any civilian witnesses, civilian victims, or suspects/defendants are on scene If no such people are present, the CSO may deactivate the BWC once the initial incident that caused the activation has stabilized or at the time that the CSO gives a verbal disposition to Headquarters.

CSOs providing on-scene assistance to other law enforcement agencies shall notify them that the incident is being recorded.

If at any point during an activation, a CSO has reason to deactivate the BWC prior to the final conclusion of an incident, that CSO will verbally state the reason for the deactivation while the BWC is still recording.

When CSOs are interacting with victims, witnesses, and others from the community who request not to be recorded, members shall:

1. Balance the value of obtaining a recording with the reluctance of a victim, witness or others from the community to provide information while being recorded.
2. CSOs should use discretion in making the decision.
3. If the suspect of a crime is present, the CSO shall not turn off the BWC.
4. If the CSP deactivate the BWC at the request of the witness, the CSO shall state the reason prior to the deactivation.
5. When inside Orlando Police Headquarters, non-uniformed CSOs may decide to not utilize their BWC.

Unless deactivation is prohibited under Section 1.3, CSOs may choose to deactivate their BWC during non-law enforcement activities such as breaks, directing traffic, processing a crime scene, remaining on an accident scene waiting for a tow truck, pedestrian crossing etc. However, CSOs must activate or reactivate their BWC in the circumstances described in Section 1.2 of this policy. Members must also ensure, as stated in Section 1.2 of this policy, that BWC is positioned in a forward-facing direction and attached to the CSOs' shoulder, chest, or waist.

CSOs engaged in an incident who realize they failed to activate their BWC at the onset shall activate the camera as soon as practical. If a CSO fails to activate their BWC during a required situation or part of a situation, or interrupts or terminates the recording, they shall notify their supervisor as soon as reasonably possible and shall document the reason to their supervisor via a memorandum or an email. The supervisor should retain the email or memorandums to identify any problems. In cases where an official written report of the incident is required, the CSO shall document in the report the reason they failed to activate, interrupt, or terminate the recording.

1.4 PROHIBITED RECORDINGS AND ACTIONS

Unless conducting official law enforcement business that requires the CSO to use the BWC, the following is a list that CSOs must adhere to:

1. The BWC will not be used to record personal activity.
2. The BWC will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement-related activities.
3. Unless the BWC is being used as part of an official law enforcement incident, the BWC will not be activated in places where a reasonable expectation of privacy exists, such as, but not limited to, locker rooms, dressing rooms, or restrooms.
4. CSOs will not make copies of any recordings for their personal use.
5. CSOs are prohibited from allowing anyone else to use another recording device to record media captured from the BWC.
6. CSOs shall not erase, alter, reuse, modify, or tamper with any recording. Only the authorized MVSA may erase any previously recorded digital recording.
7. CSOs shall not post BWC footage to any social media site without prior written approval from the Chief of Police or the Chief's designee.
8. Unless in response to an official inquiry or investigation, CSOs assigned the BWC will not allow citizens to review the recordings.
9. CSOs shall not lead a person to believe the BWC has been deactivated when, in fact, the BWC is left active.
10. No CSO shall use a BWC not assigned to them. Only the MVSA or their designee can assign a BWC to a CSO.
11. CSOs shall not use the BWC to replace a written report or required written statements.
12. CSOs are not permitted to use personally owned or non-department-issued recording devices to record official duties. This does not apply to CSOs utilizing approved mobile applications on personal devices.

Juvenile School Location: CSOs shall not activate a body camera while on the grounds of any public, private or parochial elementary, middle or high or secondary school, except when responding to an imminent threat to life or where there is a potential for law enforcement activity.

Medical Facilities: Unless conducting official law enforcement duties, CSOs shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. CSOs shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, CSOs shall be careful to avoid recording people other than the individual of interest.

1.5 UPLOADING PROCEDURES

At a minimum, CSOs are required to upload the camera every other shift and prior to the beginning of their scheduled days off. Any functionality or serviceability problem shall be reported immediately to the MVSA and the CSO's supervisor via email.

Each shift, all CSOs shall verify that any evidence collected with a mobile recording system during their prior shift is correctly labeled with the case number and retention category.

It is ultimately the recording member's responsibility to ensure BWC and in-car camera recordings are correctly labeled and retained as required by Florida law and agency expectations. When dispatched by CAD, certain CSOs may be assisted by auto-tagging which allows for recorded videos to be automatically tagged with metadata. However, this is a convenience feature and may not be relied upon solely for correct information for collected

evidence. For any corrections made or information manually entered, case numbers shall be added in the same format as listed in CAD, e.g. 2021-00123456, and categories shall be entered based on the appropriate level of crime being documented or law enforcement action taken.

When a CSO becomes aware that any additional retention category is applicable to a mobile recording system file, it shall be manually added to the file by the end of their shift. Such additional retention categories shall include, but are not limited to response to resistance, officer injury, homicide, or public records request.

CSOs are encouraged to dock their BWC while at an OPD facility that is equipped with a docking station while on breaks or performing administrative tasks.

1.6 SUPERVISORY RESPONSIBILITIES

Supervisors are encouraged to ensure that all personnel assigned to their unit have uploaded their recordings as required by Section 1.5.

Supervisors will review recordings of all CSOs involved in the following incidents:

- Injury to a CSO(s)
- Response to resistance
- Vehicle crashes involving LEOs
- Citizen complaints
- Documented internal complaints
- As directed by the Chief of Police, Deputy Chief of Police, Training Division Commander, the Internal Affairs Manager, The Department Labor Advisor, or the Police Legal Advisor's Office.

Supervisors may also review video footage for documenting exemplary performance, heroic actions, and/or other praiseworthy service for appropriate recognition and commendation.

BWC footage is considered public record and available upon request to anyone in accordance with public records laws, unless there is a statutory exemption. Supervisors are not limited to the scope or reason of their review for officers they are responsible for. However, a CSO who feels he or she is subject to excessive scrutiny of BWC footage may report such instances up the chain of command or to Labor Relation. Examples of their review may include the following:

- Training
- Critique
- Early Intervention inquiries
- Civil claims
- Administrative inquiries
- Addressing behavioral or performance deficiencies

Through any video review process, including those by the ACSU, it shall be the responsibility of the supervisor to provide and follow up actions discovered from any review.

As stated in Section 1.1(8) it is the responsibility of the recording officer to ensure their digital evidence is labeled with a case number and proper retention category. Supervisors, on a quarterly basis, shall review the digital evidence uploaded by each member assigned to their squad is labeled correctly. Supervisors shall document the results of that review in the recording officer's supervisory notes. For any evidence that is not labeled with both a case number and retention category, the officer shall log in to the digital evidence management system and make the appropriate corrections.

1.7 REVIEW OF RECORDINGS

CSOs may review their recorded videos to correctly document incidents, such as incident/crash reports. Reviewing BWC footage recorded by another CSO/officer that was not assisting with a mutual investigation shall be done for official purposes only and shall not be viewed for any other purpose. When CSOs view recordings captured by other CSOs/officers, the CSO viewing the video shall provide an explanation in the "Notes" section of that recording in the digital evidence management system. That explanation will further document the official purpose of the review. Generalized statements, such as "training" or "safety" will not be considered sufficient, with the exception of the Professional Standards, Internal Affairs, or Crime Center sections. Failure to comply with this section may result in disciplinary action.

CSOs involved in certain incidents, as outlined in section 1.5 of this policy, may not review the BWC footage recorded by any other CSO/officer without the express authorization of the Chief of Police, or the Chief's designee. Notwithstanding this policy, CSOs shall be allowed to view all evidence, including body camera videos, prior to any investigative interview of that CSO as required by the Officer's Bill of Rights.

1.8 LIVESTREAMING

Livestreaming is not intended to replace proper response by personnel or for purposes other than those outlined below.

1.8.1 AUTHORIZED USERS

a. Authorized users provided with the livestreaming feature are limited to sworn members assigned to the Crime Center (including those in a temporary capacity) and all sworn members with the rank of lieutenant or higher.
b. Sworn members of the Crime Center shall be the primary users of the livestream feature. All other authorized users should refrain from using the livestreaming feature when not working in the Crime Center capacity to avoid causing any technical difficulties.
c. All authorized users will abide by the activation criteria.
d. The Department shall utilize an automated system to maintain documentation of all authorized users and authorized users who activate the livestream feature to include name, date, and duration of activation.
e. Livestreaming may allow for two-way communication between the recording officer and authorized members. Two-way communication is not intended to replace the use of the police radio to relay critical information and should be used as an additional method of communication when access to a police radio is not possible/practical.

1.8.2 ACTIVATION CRITERIA

Authorized users may activate the livestream feature when any of the following activation criteria are met:

a. Initiation of a Signal 43 or Signal 44.
b. Any situation in which a CSO is not responding to their radio.
c. To assist with identifying the specific location of a CSO for responding officers.
d. Upon any indication of distress via radio traffic.
e. Any third-party notification of a CSO in distress.
f. Upon request of the recording CSO.
g. To enhance tactical operations and situational awareness during a significant incident (requires manager approval)
h. Allowable for training and technical troubleshooting (requires manager approval).

2. DOCUMENTATION

The CSO shall document the use of any mobile video recording system in reports, citations, affidavits, FIRs, etc. CSOs are encouraged to review their available videos while preparing written reports to ensure accuracy.

3. MOBILE VIDEO SYSTEM ADMINISTRATOR

The Mobile Video System Administrator is responsible for overall maintenance, management, training, and retention, and acts as a liaison to Information Technology, the Technology and Forensics Unit, and associated vendors. The Mobile Video System Administrator reports to the day-shift Crime Center Sergeant.

4. DISSEMINATION

All digital media collected using the mobile video recording systems is public record as defined in Chapter 119, Florida Statutes. Public records requests shall be handled pursuant to established policy.

Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law. BWC digital records shall only be accessed by or shared with authorized personnel.

4.1 DISSEMINATION OF VIDEO RECORDS RELATING TO CERTAIN INCIDENTS

4.1.1 DISSEMINATION POLICY

It is the policy of the department that transparency is critical to maintain accountability and enhance trust between the Orlando Police Department and the public. The department's commitment for transparency shall be pursued without compromising ongoing investigations, legitimate privacy concerns or applicable federal, state, and local laws.

4.1.2 PROCEDURES

1. RELEASE

When CSOs of the department are involved in a critical incident that is being investigated by an outside agency, such as the Florida Department of Law Enforcement ("FDLE"), all related body-worn camera video shall be released, to the extent permissible under applicable law, upon notification from the outside entity that the initial interviews are complete. The public release of the video recordings in these circumstances shall occur no more than 30 days after the date of the incident, unless the Chief of Police, or the Chief's designee, determines there

are extraordinary circumstances which dictate that the release of the video be delayed. If a video cannot be released within 30-days, the reason for the delay will be disclosed.

2. NOTIFICATIONS

Prior to the release of any video under this section, the following parties will be notified and given an opportunity to review the video records prior to their release:

a. CSOs depicted in the video who had significant involvement in the law enforcement action.
b. The individual that was involved in the incident,
   i. If the subject is deceased, then the subject's next of kin shall be notified
   ii. If the subject is a juvenile, then the subject's parent or legal guardian shall be notified
c. Other official agencies involved in the incident, including the investigating agency; and
d. The State Attorney's Office ("SAO")

3. REDACTIONS

Records released pursuant to this policy are subject to the restrictions on release of public records found in Chapter 119, Florida Statutes, "Public Records" and section 24 Article I of the Florida Constitution, the Officer's Bill of Rights and all other applicable state and federal laws.

If either the FDLE or the SAO objects to the release of the video or a portion thereof, they will be requested to place their objection to the release in writing to the Chief of Police. The Chief of Police, or designee, shall then evaluate the objection and will, based on the totality of the circumstance, either:

a. Release the video with the objected to portion(s) included; or
b. Withhold the objected to portion(s) of the video from release until the basis for the objection has lapsed or the objecting agency withdraws its objection.

4. IMMEDIATE RELEASE TO PRESERVE PUBLIC SAFETY

Except where prohibited by law, the Chief of Police shall have the authority to unilaterally order the immediate release of any body camera video of a certain incident if the immediate release is necessary in the interest of public safety.

5. STORAGE AND RETENTION

5.1 AUTOMATIC DELETION OF BODY CAMERA VIDEOS UPON EXPIRATION OF THE RETENTION PERIOD

All recordings that meet the definition of "body camera" video as defined in Florida State Statute 119.071(2)(l) shall be maintained for the retention period set forth in Florida law, but for a minimum period of 90 days, as required by Florida State Statute 119.071(2)(l)(5). Any destruction or purging of a body camera recording sooner than 90 days after it is captured requires the expressed approval of the Police Legal Advisor's Office and shall only be done by the Mobile Video System Administrator. All videos shall be held for the full duration of their retention period as set forth in the Florida Retention Schedule (GS1 or GS2).

5.2 MANUAL DELETION OF VIDEOS RECORDED WITH A BODY-WORN CAMERA

Any video that does not meet the definition of "body camera" video as defined in Florida State Statute 119.071(2)(l) because it does not record audio or video data in the course of a CSO performing her or his official duties, may be purged prior to the 90-day retention period if its administrative value is lost or never existed, and it is not subject to any other retention period. This type of non-law enforcement-related videos should be deleted as soon as permissible to maximize the privacy interest of our members.

If a CSO becomes aware of a video that does not meet the definition set forth in Florida State Statute 119.071(2)(l) and contains sensitive content (e.g., an accidental activation in the restroom) that member shall notify the on-duty watch commander or MVSA via the chain-of-command. The on-duty watch commander or MVSA shall then log in to the digital evidence management system and categorize the video "confidential." The watch commander or MVSA shall then email Internal Affairs, relaying their action, to include the recording member's name along with the date and time of the recording. An Internal Affairs investigator who is in the best position to protect the privacy and the dignity of the person to whom the video pertains (e.g. a female investigator may be asked to review a video from the women's locker room) will then be assigned to review the entire video to ensure that no law enforcement activity was captured in the recording.

If no law enforcement activity was captured, then the reviewing investigator shall provide written confirmation to the Mobile Video System Administrator that the video shall be deleted. If the video captured both law enforcement activity and private information, then the private information shall be redacted, and the original video shall be marked confidential within the video retention system.

If there is not an appropriate Internal Affairs investigator available to maintain the privacy and dignity of the members captured therein, then the Internal Affairs sergeant shall, in consultation with the Criminal Investigation Division (CID) Captain, assign the most appropriate detective from CID to review the video.

6. TRAINING

CSOs shall be trained and instructed before being assigned a mobile video recording system. CSOs shall only use BWCs after they have received agency-approved training. The MVSA will ensure that all BWC training meets current manufacturer guidelines and specifications, as well as department policy.

V. FORMS AND APPENDICES

None

VI. REFERENCES

This policy rescinds Policy and Procedure 1149.3

Related Policies: None

Related Laws: Florida Statute Chapter 119