



## Jacksonville Sheriff's Office

### ORDER

Order Number: <b>574</b>	Title: <b>Body Worn Camera</b>	Order Type: <b>U</b>	Version: <b>1</b>
Release Code: <b>R</b>	Owner: <b>Commanding Officer of Body Worn Camera Unit</b>	Effective Date: <b>07/16/2020</b>	Page: <b>1 of 22</b>

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#### **I. Functions of the Unit**

- A. The purpose of this policy is to establish guidelines for the use, management, storage, and retrieval of body worn cameras (BWC) and recordings. This order supports the Jacksonville Sheriff's Office (JSO) Core Values of "Worthy of Trust," "Respect for Each Other," "Community Focused," and "Always Improving."
- B. JSO has adopted the use of BWCs in order to accomplish several objectives. The primary objectives are as follows: [CALEA 41.3.8]
  - 1. Enhance accountability and public trust by preserving evidence of officer interactions with citizens;



2. Capture digital video evidence for criminal, civil, and traffic-related court cases; [CALEA 41.3.8]
  3. Assist officers when legally permissible with recalling facts or other details captured by their assigned BWC that will help them accurately articulate a chain of events when writing reports;
  4. Serve as a training tool for officer safety and best practices; and
  5. Assist in the assessment of contacts between officers and citizens by reviewing procedures and interpersonal actions.
- C. In order to enhance the services provided to the community, it is the policy of the JSO to provide all full time sworn police officers and full time sworn police sergeants with a BWC. The BWCs shall be used to assist authorized personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident, thereby reinforcing the community's perception of our professionalism and transparency. This policy is intended to achieve an appropriate balance between the benefits of BWC devices with the community and officers' reasonable expectations of privacy.
- D. BWCs are not a substitute for an officer's reasonable beliefs and perceptions and cannot account for an officer's physiological responses during critical incidents, such as tunnel vision and auditory exclusion. BWCs should not be viewed as the only measure of truth because they may show more or less than what the officer sees, hears, and/or observes. BWCs, however, have an important use as one of many policing tools.
- E. This policy does not govern the use of surreptitious recording devices used by undercover officers in undercover operations.
- F. The Fourth Amendment of the United States (U.S.) Constitution protects people and provides them with a reasonable expectation of privacy from government intrusion. Guidance explaining protections against unreasonable search and seizure can be found in the case of *Katz v. United States*, 389 U.S. 347 (1967), which extends Fourth Amendment protection to all areas where a person has a "reasonable expectation of privacy." In summary, the Court found that the government may not generally intrude into places, unwanted, when a person enjoys a reasonable expectation of privacy. This policy shall not violate the Fourth Amendment Rights of citizens as afforded under the U.S. Constitution.

## **II. Hours of Operation and Callout / Notification Criteria**

- A. Office Hours: Monday through Friday, 0800-1700 hours
- B. Office Contact Information
  1. Main Office Phone Number: (904) 630-0920
  2. Email: **F.S. 119.071(2)(d); F.S. 119.071(3)(a)**



### C. Callout Criteria

Callouts may be requested by a commanding officer or higher authority for instances which viewing of BWC captured video is necessary in a timely manner (i.e., an Officer Involved Incident, serious misconduct, etc.) A callout can be performed through the Investigative Police Emergency Communication Officer (PECO).

## III. Policies & Procedures

### A. Definitions

1. Activation – Pressing the start/stop button activates the BWC to begin recording audio and video.
2. Audio Recording – The electronic recording of conversation, spoken words, or other sounds.
3. Body Worn Camera (BWC) – The camera system that captures audio and video signals, capable of being worn on an officer's person that includes at minimum a camera, microphone, and storage component.
4. BWC Uploading – The act of transferring recorded data from the BWC to the storage server.
5. BWC Recording – The electronic recording of visual images, with or without audio, with the inclusion of 30 seconds (video only) prior to and after the activation of the recording.
6. Buddy Officer – JSO officer assigned to attend to the personal needs of an officer who was principally involved in a critical incident.
7. Classification Tags – The JSO method to mark and identify BWC recordings for a specific purpose and for which a predetermined retention period has been set.
8. Critical Incidents – Examples include officer-involved shootings, in-custody deaths, Response to Resistance (RTR) incidents (resulting in death, serious injury, or alleged serious injury), officer involved traffic crashes/pursuits with fatalities or serious injuries, serious injury or death of an officer in the line of duty.
9. Deactivation – Pressing the start/stop button stops an active recording and returns the BWC to standby mode.
10. Docking the BWC – The process by which an officer places the BWC into a JSO network-attached data transfer device, causing videos previously recorded onto the BWC to be uploaded to the storage server.
11. JSO Investigators – Officers assigned to the Internal Affairs Unit, the Integrity & Special Investigations Unit, the Professional Oversight Unit, and/or the officer's lieutenant.



12. Metadata – Information that is used to identify the officer to whom the BWC is issued, the date and time each video was recorded, and officer interaction/offense categorization of BWC recordings.
13. Mute Function – When this function is engaged the BWC will continue to record video only; no audio is recorded when this feature is turned on.
14. Officer – Used in this directive to include full time police officers, police officers in the Field Training Program, police sergeants, and any other personnel who wear, use, maintain, store, or release audio or video data recorded by body cameras.
15. Police Activity – Engagement with an individual(s) within the community and/or in instances when an officer reasonably believes contact with such an individual exists while working within an official capacity as a law enforcement officer and carrying out the duties and responsibilities associated of such under Florida State Law and JSO policy. Examples include, but are not limited to:
  - a. All engagements with a suspect, including advising of Miranda warning and transportation;
  - b. All investigative and enforcement actions;
  - c. Calls for service;
  - d. Self-initiated field activity; and
  - e. Supervisory direction.
16. Standby Mode – While the BWC is powered on, the BWC has not been activated to commencing active recording.

**B. General**

1. Failure to adhere to this policy could subject an officer to disciplinary action up to and including dismissal (refer to Order 501 [Code of Conduct]).
2. All BWC equipment and recordings are the property of JSO.
3. Officers are prohibited from using non-departmental BWCs in an official JSO capacity while on or off-duty.
4. Officers shall be in a uniform or have their badge prominently displayed when using a BWC.
5. BWCs shall only be worn on the uniform for which it is intended and may not be moved to obstruct or change the intended view.



6. BWCs shall be powered on at the beginning of an officer's shift and powered off prior to docking.
7. BWC recordings are not replacements for any JSO written reports or investigatory statements.
8. If an officer is lawfully present (e.g., invitation, arrest warrant, search warrant, etc.) at a location where a person has a reasonable expectation of privacy (e.g., residence, restroom, dressing room, locker room, hospital, or mental health facility, etc.), there is no requirement for the officer to announce to any person whether the BWC is recording. Additionally, there is no requirement that the officer discontinue use of the BWC if requested when the officer's presence is due to police activity or an extended invitation remains.
9. If an officer is asked whether their BWC is recording, the officer shall answer truthfully.
10. Sworn officers and supervisors not assigned to the Department of Patrol & Enforcement shall also be issued BWCs to be worn and used to during assignments that require their standard patrol type uniform.

**C. Activation [CALEA 41.3.8, 83.2.2]**

1. Officers who are assigned BWCs shall activate their BWCs upon arriving at the scene of a police activity. Every reasonable attempt should be made to activate the BWC prior to engaging in police activity (e.g., before exiting the patrol vehicle upon arriving at a call for service, while at a safe distance prior to engaging with a suspicious person, preceding the initiation of a traffic stop, upon engaging in any pursuit, etc.);
2. Officers responsible for completing associated reports shall indicate therein whether any BWC was activated during the course of the incident (including, but not limited to, an Offense Report, Arrest & Booking Report, Uniform Traffic Citation, RTR Report, etc.). This shall apply whether the recording was activated by the primary or back up officer(s).

**D. Deactivation/Muting of BWC [CALEA 41.3.8, 83.2.2]**

1. An officer may deactivate his BWC when his involvement within a police activity has concluded.
  - a. At times officers will perform police functions which do not directly involve engagement with an individual(s) within the community. While performing these functions, BWC recording may be ceased. Examples may include:
    - (1) Directing traffic at the scene of a crash;
    - (2) Holding a perimeter position on a stable crime scene;
    - (3) Securing/transporting evidence;



- (4) When commanding officers/supervisors deem recording unnecessary; or
  - (5) When writing reports.
- b. Deactivation of the BWC is appropriate when an officer's involvement in a police activity concludes or while performing these police functions. However, activation is required should police activity begin again.
2. Prior to muting the BWC, officers shall make a recorded statement as to the reason the device is being muted (e.g., supervisory direction, conference with legal counsel, unrelated phone conversation, strategic or tactical JSO operation planning, "buddy officer assigned").
  3. After an officer mutes his BWC, it is his responsibility to ensure he unmutes his BWC prior to re-engagement with police activity.
  4. Officers who are assigned as a buddy officer to another officer directly involved within a critical incident shall ensure their BWCs are in "power off" mode during the entire time of the assignment with the involved officer. Both the involved officer and buddy officer are permitted to "power off" their BWC.
  5. In certain instances (e.g., neighborhood canvasses, extended searches, high profile cases, etc.) a person willing to provide information may be reluctant to do so while a BWC is activated. Officers shall use discretion in these instances and weigh the need to obtain possibly critical information with the continued use of a BWC and loss of information. Officers shall record a statement for the reason of the deactivation.

The JSO preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns, or a feeling that the information is sensitive. In these situations, officers may decide that obtaining the information is more important than recording the conversation. The officer shall then record a statement of the deactivation (e.g., "Community member desires to make an unrecorded statement."). After obtaining the statement, the officer shall immediately activate their BWC to resume the police activity when safe to do so.
  6. When a prohibited use of the BWC as outlined below is discovered, officers shall deactivate their BWCs when it is safe to do so. If portions of the prohibited use are suspected to have been captured by the BWC, the officer should comply with the provisions of this order listed below.
  7. Unless a police activity is occurring, BWCs shall be deactivated when entering places where persons have a reasonable expectation of privacy such as hospitals, private offices/work places, governmental facilities, etc. Other deactivation examples include:
    - a. During break periods;
    - b. Engaging in administrative responsibilities;

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- c. Law enforcement strategic or tactical discussions;
  - d. Rolls calls;
  - e. Static post assignments;
  - f. Training;
  - g. When at the Firing Range;
  - h. When at the JSO Training Academy;
  - i. When instructed by a supervisor to end the recording; or
  - j. When in the presence of undercover officers and/or confidential informants (CI) who have not yet concealed their identity.
8. Officers shall not record when conferring with any public (government) or private attorney; nor when appearing or providing testimony for a deposition, court appearance, administrative hearing, or any other administrative duty in a government office. Officers shall power off their BWC while performing these duties but must ensure the device is powered back on when concluded.

**E. Prohibitions**

1. Officers shall not use their BWCs for any purpose other than their official JSO law enforcement duties.
2. BWCs shall not be used to record a particular person based solely on the person's race, color, religion, national origin, gender, age, marital status, personal appearance, sexual orientation, identity or expression, family responsibility, homelessness status, physical disability status, or political affiliation.
3. BWCs shall not be used to knowingly capture legally privileged communications as defined in Chapter 90, Florida State Statutes (F.S.S.), including, but not limited to, sexual assault counselor/victim privilege, domestic violence advocate/victim privilege, attorney/client, doctor/patient, etc.
4. BWCs shall not be used to knowingly record undercover officers and CIs. However, merely responding to assist undercover units is not reason alone to deactivate BWCs. Undercover officers should take care to conceal their identities and their informants identities prior to the arrival of officers equipped with BWCs. Also, officers shall document in the notes section of the video the presence of undercover officers or CIs.
5. BWCs shall not be used as a means to conduct a field show up of a suspect.



6. BWCs shall not be used to record any personal conversation or a conversation between another officer/individual.
7. BWCs shall not be activated when discussing strategic or tactical JSO operations.
8. Officers shall not make copies of any recording or disseminate any recording to the public, any media outlet, social media, or any other employee. The posting of BWC recordings to any social media site, without prior written approval of the Sheriff or designee, is strictly prohibited.
9. Officers shall not capture a screen shot of BWC recordings for their personal use and are prohibited from otherwise recording any BWC recording for personal use.
10. Officers shall not use any other electronic devices or other means in order to intentionally interfere with the capability of BWCs.
11. Officers shall not allow anyone to view their BWC recording(s) without written/emailed authorization from the BWC Administrator or designee.
12. Each BWC is configured for single use so officers shall not use a BWC not assigned to them.
13. Officers shall not erase, alter, reuse, modify, or tamper with any BWC recording.
14. BWCs shall not be used within 1000 feet of a bomb threat or located device scene.
15. BWCs shall be removed prior to entering the Breathalyzer Room inside the Pretrial Detention Facility (PDF), the Internal Affairs Unit, or the Integrity & Special Investigations Unit.
16. Any use of a BWC recording not expressly provided herein without the expressed written consent of the BWC Administrator or Undersheriff is strictly prohibited.

**F. Privacy Considerations/Citizens Advisement**

1. When an officer is asked whether a BWC is being utilized, the officer shall truthfully advise if the BWC is recording regardless of location.
2. Officers may advise the victim, or others present at the scene, of a personal residence, medical, mental, or social service facility, places where there is a reasonable expectation of privacy, or related to an incident involving domestic violence, stalking, or sexual assault that the recording shall be withheld from release to the public as prescribed by law. To prevent misinterpretation of public records laws, officers shall simply state that all recordings will be redacted as prescribed by law and any questions should be directed to the Public Records Section.
3. All BWC recordings shall be redacted as prescribed by law.



#### **G. Accidental Recordings**

1. Officers shall indicate the accidental recording within the BWC software platform by placing the phrase "Accidental Recording" in the note section.
2. Officers shall classify the video appropriately using the JSO Retention Schedule check back codes (BC) found in this order.

#### **H. Secondary Employment**

1. During secondary employment, officers issued a BWC shall adhere to all guidelines and procedures herein regarding the BWC policy.
2. Any BWC recording captured must be uploaded no later than when the officer returns to his regular assignment under normal circumstances. The officer shall complete the upload at the beginning of their next work shift, unless otherwise directed by a supervisor.
3. All actual or subsequent investigations of critical incidents, as defined herein, captured by the BWC must be uploaded upon the conclusion of the police activity.

#### **I. Off-Duty**

1. It is recognized that off-duty officers not in uniform may have to engage in police activity while off-duty, which may result in incidents not being recorded.
2. However, off-duty officers in uniform which engage in police activity are required to adhere to the rules and regulations outlined in this policy as if they were on-duty.
3. Any BWC recording captured must be uploaded no later than when the officer returns to their regular assignment under normal circumstances. The officer shall complete the upload at the beginning of their next work shift, unless otherwise directed by a JSO supervisor.

#### **J. Officer Responsibilities: Equipment, Inspection, Maintenance, and Repair**

1. Officers are responsible for the proper care of the BWC used by and/or issued to them.
2. Prior to each shift, the officer shall perform the following steps: [CALEA 41.3.8]
  - a. Ensure the equipment is fully charged and working properly. Officers shall test the BWC's operation in accordance with manufacturer specifications, policies, and training;
  - b. Officers are to attach the BWC directly to the officer's uniform or person as trained by JSO which allows the optimum recording of video and audio; and
  - c. If the BWC is malfunctioning, officers shall immediately replace the BWC with their assigned back up BWC. As soon as possible, the officer shall have the malfunctioning BWC replaced by the BWC Unit.



3. Prior to the end of each shift, officers shall dock the BWC at their assigned substation/work location to ensure recordings are uploaded to the system and the device battery charges. Officers shall retrieve their second issued BWC from the docking station.

Officers should always maintain one of their two issued BWC devices for use while on-duty or working secondary employment in accordance with training.

4. Malfunctions, damage, loss, or theft must be reported to the officer's immediate supervisor as soon as practical. An Offense Report must be completed when a BWC is damaged, lost, or stolen.
5. Officers shall notify either their immediate supervisor, the Internal Affairs Unit, or the Integrity & Special Investigations Unit of any BWC recording believed to have captured any employee of JSO involved in misconduct or criminal activity (refer to Order 501 [Code of Conduct]).
6. Officers are responsible for properly applying classification tags to all recordings with the appropriate category to ensure proper retention periods apply to each recording in accordance with JSO policy and state law.
7. Officers shall use the highest level classification tag as determined by the police activity, in accordance with training. Officers capturing BWC recordings shall indicate the classification within the Mobile Computer Aided Dispatch (MCAD) system at the time of checking back from the call.

#### **K. Data Access and Responsibility/Review**

##### **1. Access**

All officers who are required to wear, use, maintain, or store BWCs shall be trained in the BWC policy and procedures prior to obtaining access to BWC data storage. Additionally, all officers who use, maintain, store, or release BWC recordings shall be trained in the BWC policy and procedures prior to obtaining access to BWC data storage. Authorized officers shall only access BWC recordings under the following conditions in accordance with their assigned duties:

- (1) Officers shall be allowed to review only their own BWC recordings when not otherwise prohibited, upon his own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his official duties. Such reports or statements may not provide for a review of BWC recordings due to an officer's inherent duty to immediately disclose information including, but not limited to, the necessity to secure an active crime scene, to identify pertinent individuals, or other legal obligations.

- (2) By an officer to make sure the BWC is working properly.



- (3) Officers shall not view any BWC recording captured by another officer or supervisor. Once recordings are uploaded, request for access to view may be requested by such officers through their supervisor to the BWC unit.
2. When access to a BWC recording needs to be restricted, officers or supervisors shall notify the BWC Administrator in an email regarding the BWC recording upon uploading the recording. Such restricted recordings include, but are not limited to:
- a. Undercover officer/CI is captured in video;
  - b. Victim communications with advocates, attorneys, or therapists;
  - c. Strategic or tactical JSO operation plans;
  - d. Sexual assault victims; or
  - e. Alleged serious misconduct or criminal act by a member.
3. Commanding Officer Responsibilities
- a. To ensure this program maintains its integrity, it is imperative that commanding officers ensure that officers equipped with BWCs utilize them in accordance with policy and procedures defined herein.
  - b. Upon receipt of randomly selected recordings from the BWC Administrator, commanding officers shall review BWC recordings to ensure the equipment is operating properly and that officers under their supervision are using the devices appropriately in accordance with policy and to identify any areas in which additional training or guidance is required. The review should be documented in the JSO Employee Evaluation System and on the BWC – Video Compliance Review Report form (P-0789e).
  - c. Commanding officers may review all BWC recordings regarding their subordinates when deemed necessary, but should not consider such review to substitute for field supervision of subordinates.

Commanding officers shall contact the BWC Administrator and submit in writing/email all requests to access specified BWC recordings as indicated herein.
  - d. When a superior officer is notified of a malfunctioning camera, the superior officer shall ensure their subordinate officer promptly obtains a BWC replacement from the BWC Unit.
  - e. When an officer who has successfully completed their probation claims to have failed to activate/de-activate his BWC as required, and the failure is not otherwise associated with other violations, the commanding officer shall first confer with the Internal Affairs Unit to ensure the failure is not otherwise being administratively investigated and, if



not, conduct a fact finding inquiry to determine if the failure was reasonably excusable (refer to Order 571 [Internal Affairs]).

- (1) If after this fact finding, the commanding officer concludes the failure to activate/de-activate was reasonably excusable, the commanding officer shall document these findings without any further action.
- (2) If after this fact finding, the commanding officer concludes the failure to activate/de-activate was not reasonably excusable and no other JSO policy violations were recognized to have occurred, then the following BWC Activation Failure Step progressive actions shall progress separate and distinct from JSO's traditional disciplinary progressive track (except for Step 6) as follows:
  - (a) First Step: Initial failure shall result in an informal counseling;
  - (b) Second Step: Second failure shall result in a formal counseling;
  - (c) Third Step: Third failure shall result in a Written Reprimand Level One (P-1711e);
  - (d) Fourth Step: Fourth failure shall result in a Written Reprimand Level Two;
  - (e) Fifth Step: Fifth failure shall result in a suspension up to 10 days; and
  - (f) Sixth or more failure(s) shall result in a traditionally progressive disciplinary action of no less than a 10-day suspension and up to termination.
- (3) All JSO action to address BWC activation failings of probationary officers shall be handled in a manner consistent with the discretion of management, up to and including separation.
- (4) Each concluded non-excusable failure shall remain active for no more than one calendar year from the date of its occurrence (actual or reasonably should have known, whichever is later). Progression within the BWC Activation Failure Step track shall be determined for any non-excusable failures by considering all prior non-excusable failures remaining within one calendar year of the subject occurrence.
- (5) A third or greater non-excusable failure (otherwise referenced as Step 3 or higher) occurring within one calendar year of a prior equivalent step occurrence shall immediately be forwarded to the Internal Affairs Unit for an administrative investigation as to the habitual pattern of the failures and potentially result in either the associated step result as stated with the BWC Activation Failure Step track in this order or a traditionally progressive disciplinary action of no less than a 10-day suspension up to and including termination. Thereafter, the BWC Activation Failure progression track shall resume as stated herein with any subsequent occurrences.

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- f. Officers shall be provided a 90 calendar day grace period upon being initially issued the BWC. The BWC Activation Failure Step actions as stated above will not commence until 90 calendar days have elapsed.
- g. Supervisors shall provide a written or electronic request to his commanding officer to review BWC recordings as deemed appropriate. Commanding officers shall request access to the BWC recording(s) to the BWC Administrator or designee as outlined in this order.

**L. Critical Incidents [CALEA 41.3.8]**

1. During the course of a shift, officers equipped with BWC may encounter situations where critical incidents are recorded, as defined herein. BWC recordings related to a criminal or administrative investigation shall be treated as any other digital evidence.
2. Immediately after any critical incident, the following actions shall be taken:
  - a. To ensure no unauthorized viewing and to protect the integrity of the ensuing investigation, a patrol supervisor shall take sole possession of any BWC which has actually or potentially captured a critical incident, criminal offense, or suspected serious misconduct by an officer or an employee of JSO.
  - b. BWCs which contain actual or potential video/audio recording of a critical incident shall be provided by the possessing officer to his supervisor, the investigating unit detective, or the detective's supervisor.
  - c. Critical incident recordings which are sensitive in nature and require timely viewing at the scene of an incident and/or immediate access restriction shall require a callout of the BWC Administrator or designee. The BWC Administrator or designee shall respond to the scene, upload the recording(s) from the device(s), and limit access as appropriate.
  - d. Under no circumstances shall an officer record a conversation with legal representation.
  - e. Supervisors shall ensure a replacement BWC is provided to an officer when their BWC has been taken and cannot be returned prior to returning to their regular duties.

**M. Criminal/Administration Investigation of an Officer [CALEA 41.3.8]**

1. JSO investigators are responsible for requesting BWC recordings only relevant to cases they are assigned. JSO investigators conducting criminal or administrative investigations against an officer shall:
  - a. Obtain a listing of each officer present at the incident and documentation of whether that officer was equipped with a BWC;
  - b. Ensure all related BWC recordings have been uploaded to the storage database;



- c. Request and view all available BWC recordings to determine whether the BWC file is of evidentiary value and process it in accordance with established protocols;
    - d. Request that the BWC Administrator restricts access to all BWC recordings related to the criminal or administrative allegations when appropriate until otherwise notified; and
    - e. Request that the BWC Administrator restrict public disclosure of the BWC recording in criminal or internal investigations, in accordance with the public record laws.
  2. When a commanding officer or supervisor is made aware of alleged misconduct actually or potentially captured on a BWC, the following procedure shall be followed:
    - a. In instances of alleged minor misconduct, a supervisor shall take custody of any BWC device(s) and ensure it is docked for timely upload of recordings. Recordings shall be "shared" in accordance with "Commanding Officer Responsibilities" specified in this order;
    - b. When the alleged misconduct is serious (i.e., involves a critical incident or criminal in nature), the commanding officer or supervisor shall take custody of the BWC and hand deliver it to the BWC Administrator, Internal Affairs Unit, or Integrity & Special Investigations Unit. If requested to do so, the BWC Administrator or designee shall upload the recordings and restrict the pertinent recording(s) related to the alleged misconduct; and
    - c. At the request of an investigator from the Internal Affairs Unit or the Integrity & Special Investigations Unit, the BWC Administrator or designee may be requested to upload pertinent recordings at the scene.
  3. JSO investigators shall notify the BWC Administrator to remove the access restriction when the criminal/internal investigation is closed or the BWC recordings is no longer protected under the provisions of the public record laws.

**N. Docking/Storage and Security Procedures [CALEA 41.3.8, 83.2.2]**

1. At the end of an officer's regular shift, officers shall securely upload the BWC recording(s) contained on their BWC utilizing the approved procedures (i.e., wireless, docking station, etc.) and in accordance with training. BWC recordings shall be stored utilizing a secure storage server and backed up for redundancy purposes. All BWC recordings shall be stored utilizing the JSO approved security methods in compliance with Criminal Justice Information Standards (CJIS).
2. At no time shall any officer other than the officer issued the BWC touch, handle, or remove the BWC from the docking station. Exceptions to this include the BWC Administrator, Information Systems Management (ISM) for maintenance related issues, or by a JSO investigator working an administrative or criminal investigation where the BWC contains potential evidence related to an active investigation.



3. Files shall be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.
4. Each BWC recording shall have a chain of custody audit trail which documents all events associated with a file.

#### **O. BWC Administrator**

The BWC Administrator is designated as the Custodian of Record for all BWC recordings and has oversight responsibilities to include, but not limited to, the following:

- a. Ensuring officers are trained in the use of the BWC data storage and equipment prior to issuance;
- b. Ensuring access level and roles to users in the BWC data storage as directed and/or approved by the Chief of Professional Standards or his designee:
  - (1) Officers have access only to their recordings;
  - (2) Commanding officers and above have access to all BWC recordings captured by officers under their command. However, commanding officers shall indicate the following for accountability and system integrity in written/email form upon request:
    - (a) BWC recording officer's name and ID number;
    - (b) Date/time if available;
    - (c) Central Communication Report (CCR) number, if available;
    - (d) Internal case number if available; and
    - (e) Brief summary of the nature and reason of the request (e.g., verification after JSO reminder of officer's deactivation statements, investigation of complaint, RTR incident, vehicle pursuit, etc.).
    - (f) Due to confidentiality concerns, the BWC Unit may not be notified of recordings accessed by the Internal Affairs Unit, the Integrity & Special Investigations Unit, or the Professional Oversight Unit. The Director of Personnel & Professional Standards shall conduct an annual audit of the videos accessed by these three units to ensure the access is within the scope of active cases or incidents.
  - (3) Authorized State Attorney Office (SAO) users have access to BWC recordings that contain evidentiary data related to a prosecutorial criminal case; and
  - (4) BWC Administrator has access to all recordings.

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- c. Assigning passwords to authorized users;
- d. Ensuring officers are assigned a fully functional BWC. Malfunctioning BWCs shall be replaced immediately;
- e. Maintaining an accurate listing of all BWC users;
- f. Providing technical support for malfunctioning BWC equipment and facilitate all warranty repairs with the vendor;
- g. Reviewing and evaluating policy and procedure;
- h. Managing the digital data storage management system;
- i. Ensuring BWC files are secured and retained in accordance with record retention laws;
- j. Ensuring BWC files are reviewed and released in accordance with applicable laws, regulations, and polices;
- k. Distributing BWC files for court presentation and criminal/administrative investigations;
- l. Disposing of copied BWC recordings not admitted as evidence in court or part of an administrative investigation in accordance with existing laws;
- m. Providing administrative support with regard to the BWC data storage;
- n. Assigning personnel for the purpose of "sharing" BWC recordings evidence with the SAO or Office of General Counsel (OGC);
- o. Responding to requests from the Public Records Unit;
- p. Redacting or deleting any BWC recording in accordance with local, state, and federal laws governing the release of such materials. Any BWC recording redacted shall be documented and filed for recording purposes;
- q. Reviewing accidental recordings and determine whether or not the recording or a portion thereof had an official purpose. If the recording had no official purpose, the BWC Administrator shall document this in the recording notes and delete the recording as prescribed by law. An audit log on the history of every recording shall be maintained in the storage database;
- r. Through members of the BWC Unit, processing public record requests for BWC recordings as prescribed by law;
- s. Authorizing all access to BWC recordings (i.e., images, sounds, and metadata) and auditing all access to ensure only authorized users are accessing the data for legitimate and authorized purposes; and

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- t. Conducting data analysis and performing a program evaluation at least annually which shall be forwarded through the chain of command to the Undersheriff for review.

**P. Audits of BWC Recording Data [CALEA 41.3.8]**

1. The BWC Administrator shall be responsible for conducting audits of BWC recordings, and shall ensure accountability and compliance in accordance with the guidelines and procedures in this directive.
2. Quarterly, the BWC Administrator shall forward three randomly, system selected BWC recordings to commanding officers for their or their designee's review of their subordinates' compliance.
3. Semi-annually, the BWC Administrator shall conduct a random audit of BWC data and generate a report documenting the findings. The audit should be reflective of the department and include multiple samples for review. The report shall further address any training or policy issues resulting from the audit, and provide recommendations regarding compliance and accountability. The report shall be submitted through the chain of command to the Director of Personnel & Professional Standards for review.
4. Any violations regarding this policy shall be documented and submitted to the Internal Affairs Unit for further review or to the Integrity & Special Investigations Unit if criminal in nature.

**Q. Training [CALEA 41.3.8]**

All officers who have access to BWC data storage must complete a JSO approved training program to include:

- a. Camera operation (i.e., activation, deactivation, and other features);
- b. Proper placement of the camera on the uniform;
- c. JSO policy and relevant state/federal laws on camera usage;
- d. Review of procedures for recordings to be used as evidence;
- e. Basic maintenance;
- f. Procedures for documenting and reporting malfunctioning to their issued BWC;
- g. Procedures for uploading and classifying recorded data;
- h. Procedures for accessing and reviewing recorded data; and
- i. Annual in-service BWC refresher training.



#### R. **BWC Recordings Used for Training**

1. Officers are encouraged to notify the Director of the Northeast Florida Criminal Justice Training Center (NEFCJC) via their chain of command of any recordings that may be of value for training purposes.
2. Upon receipt of the notification of a recording with potential training value, the Director of the NEFCJC shall contact the BWC Administrator to request the recording be reviewed for applicable redactions as prescribed by law before being "shared" for training. Additionally the Director shall:
  - a. Take into consideration the identity of the persons involved, the sensitivity of the incident, and the benefit of using the file versus other means;
  - b. Notify the involved officers that his captured BWC recording will be used for training;
  - c. Confirm with the BWC Administrator that appropriate redactions are made to recordings prior to them being used in training; and
  - d. The BWC Administrator shall ensure that recordings authorized for training are updated with any notes/classification tags identifying such as "Training" in the JSO approved storage database.
3. Specialized units may request their BWC recording be used for internal training within their own unit by having their commanding officer contact the BWC Administrator.

#### S. **Evidentiary Requests**

1. With the exception of the Internal Affairs Unit, the Integrity & Special Investigations Unit, and the Professional Oversight Unit, all other JSO units and authorized JSO personnel requiring BWC recordings for investigations shall make requests directly to the BWC Unit via email to **F.S. 119.071(2)(d); F.S. 119.071(3)(a)**. Requests should contain as much of the following information to ensure any and all related recordings are received by the investigating officer, but shall not be granted without compliance with subsection d. below:
  - a. CCR number;
  - b. Date/time of recording;
  - c. Names and ID number of the officer assigned to the generating BWC; and
  - d. Brief summary of the nature and reason of the request for accountability and system integrity (e.g., verification after JSO reminder of officer's deactivation statements).



2. Recordings shall be “shared” within the vendor’s evidence management system as “view only.” BWC recordings shall not be shared with a “download to disk” option. Retention of recordings may be extended at the request of the assigned investigators.
  - a. The SAO and OGC are exempt from this “share” restriction.
  - b. SAO or OGC requests of BWC recordings for filing decisions, court purposes, etc., shall be directed to the BWC Unit by the filing officer or detective.
3. Immediately upon receipt of a subpoena duces tecum for BWC recordings, notify the BWC Unit via email **F.S. 119.071(2)(d); F.S. 119.071(3)(a)** to request the recording(s) be copied to a disc for submission to the Department of Highway Safety and Motor Vehicles (DHSMV) Hearing Office. Ensure a copy of the subpoena is attached to the email. Officers shall be notified via email when their evidence is ready to be picked up. Additionally, officers may call the BWC Unit to check on the status of a request.
  - a. Should an instance of insufficient time prevent the officer from obtaining a copy of the recording prior to the hearing date, officers shall contact the DHSMV Hearing Office directly to request a continuance. Specifically, officers shall advise the hearing office “JSO is working diligently to provide evidence related to this case as instructed by the subpoena. I request a continuance to allow more time.”
  - b. Officers shall take due care of any and all hard copies of digital evidence. All copies shall be left with the DHSMV Hearing Office.
4. Officers subject to investigations shall be provided all applicable BWC recordings pursuant to current practices and associated orders (e.g., Order 571 [Internal Affairs]).

#### **T. Records Requests**

1. The authority governing the release of BWC recordings or associated reports containing criminal investigative information and criminal history information is found in various F.S.S. and Federal Statutes, local ordinances, and Administrative rules and directives including, but not limited to:
  - a. Section 37.111, City of Jacksonville (COJ) Municipal Ordinance;
  - b. Chapters 39, 119, 257, and 943 F.S.S.; and
  - c. Chapters 1B-24, 26, and 27, Florida Administrative Code.
2. Public records requests for BWC recordings shall be accepted and processed, in accordance with the provisions of federal law, state law (including Chapter 119, F.S.S.), local statutes, and policies. The request shall be forwarded to the BWC Administrator for processing. The BWC Administrator or designee shall make every reasonable effort to notify the officer who created the produced BWC recording via email prior to its production (without intentionally divulging the requester).



#### **U. Retention and Disposal of Body-Worn Camera Video Recordings**

1. The retention of BWC recordings shall be in accordance with the General Records Schedule as published by the Secretary of State for Law Enforcement Agencies. GS2 is the publication consulted for guidelines when planning records disposal.
2. BWC recordings are managed for retention by software applications. Recordings are retained in accordance with this directive and statutory requirements addressing the storage of evidence. The software is programmed to perform automated purges to delete recordings set to expire as provided in this policy. The BWC Administrator shall ensure the appropriate programming occurs.
3. A non-event classification tag is defined as a recording that was a result of accidental activation of a BWC. A non-event classification tag may also be a recording wherein the officer had no contact with a citizen and no law enforcement action was warranted.
4. BWC recordings must be retained according to the mandates or retention periods established by local, state, or federal law, and if applicable, JSO policy. Such recordings that do not qualify for retention beyond the associated retention periods may be deleted by the BWC Administrator.
5. If a BWC recording does not meet the criteria for retention, but an officer or supervisor believes such recording may be worthy of retaining based on the circumstances of the event, they shall consult with the BWC Administrator.
6. BWC recordings may only be deleted by the BWC Administrator or approved employees authorized by the Sheriff or his designee for such purpose.
7. It is the responsibility of the BWC Administrator (or other authorized designee) to extend the retention rate if it is determined the recording should be archived for future court proceedings, administrative access, or otherwise may serve to support criminal and civil statute of limitations (e.g., capital or life felonies, evidence preservation requests, DNA evidence, etc.), and, if applicable, that copies are stored on DVD, or other media approved by ISM, in support of such extension. Requests for extension must be directed to the BWC Administrator by the JSO investigating officer, unit, SAO, or OGC.
8. Only the Public Relations & Information Unit may satisfy requests for public copies. BWC recordings obtained on JSO systems shall not be released to the public without prior approval from the BWC Administrator (or their designee). Request for copies of recordings that extend outside JSO or the SAO shall be subject to the applicable provisions of law.



A handwritten signature in black ink that reads "Mike Williams".

Mike Williams  
Sheriff

**References:**

Administrative Order 446 (Body Worn Camera) – v6 updated to Unit Order 574 (Body Worn Camera)  
–v1



Appendix A

JSO RETENTION SCHEDULE - CLASSIFICATION TAGS					
90 DAYS	1 YEAR	4 YEARS	5 YEARS	7 YEARS	99 YEARS
BC	BC1	BC4	BC5	BC7	BC99
Training	Street Encounter (Signal 13)	Vehicle Pursuit (COJ Traffic Crash)	Misdemeanor (Incident or Arrest)	Felony (Incident or Arrest)	Life Capital Felony
Citizen Contact (No LEO Action)	Traffic Crash (Citizen)	Baker Act / Ex Parte	Response to Resistance		Felony Resulting in Death
Accidental Recording	Traffic Stop	Search Warrant	Injury in the Line of Duty		Traffic Crash Resulting in Death
	Vehicle / Foot Pursuit (No Injury, Crash or Arrest)	DUI			Legal Requests
	Other Events (Explain in Notes)				Missing Person Not Recovered
	Alarm With No Crime				
	Missing Person Recovered				

  

Check Back Codes Legend:	
BC = 90 Days	BC5 = 5 Years
BC1 = 1 Year	BC7 = 7 Years
BC4 = 4 Years	BC99 = 99 Years