



Florida Fish and Wildlife Conservation Commission  
 Division of Law Enforcement

## BODY CAMERAS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
68	January 23, 2020	IPM 19-02	All Sworn Members

References  
 Sections 943.1718 Florida Statutes  
 CFA 32.02M

### 1 POLICY

- A** The Division is committed to providing its members with tools to increase officer safety, improve accountability, and enhance the delivery of law enforcement services. Therefore, the Division will issue a body camera to members which will document events while on patrol.
- B** The use of body cameras is intended to enhance the members ability to document and review body camera recordings for both internal reporting requirements and for courtroom preparation/presentation, to preserve recordings for use in current and future investigations, and to provide a tool for self-critique and field evaluation during field training.
- C** Any member who wears, uses, maintains, or stores a body camera shall be trained in the Division's policies, procedures, and use of the body camera prior to use. The Fleet and Technical Services Section shall be responsible for providing the body camera and the associated training.
- D** Only the body camera issued by the Fleet and Technical Services Section shall be used by Division members while on duty and conducting official business.
- E** This General Order does not govern the use of cameras during covert investigations.

#### F Definitions

- (1) Division Administrator** – The Section Leader of the Fleet and Technical Services Section or his/her designee shall serve as the Division's system administrator for the body camera recording system with full access to user rights.
- (2) Body Camera** - A portable electronic recording device that is worn on a member's body and records audio and video data in the course of the member performing his or her official duties and responsibilities.
- (3) Encounter** – Any officer-initiated contact or request for assistance from the public.

## 2 RESPONSIBILITIES

- A Members are responsible for using the body camera in accordance with this General Order, in conjunction with agency training and all applicable state statutes and rules governing the recording of conversations and encounters.
- B Safety of sworn members and citizens is paramount; at no time should a sworn member disregard safety for the purpose of video and/or audio recording.
- C Members shall document the use of the body camera when completing Incident Summary Reports by answering yes or no on the Incident Data Tab.

## 3 PROCEDURES

### A Storage, Inspection, Maintenance

- (1) When not in use, the system components shall be securely stored against incidental loss in the sworn members residence or locked in a Division vehicle.
- (2) Prior to each shift, members shall ensure the camera is fully charged, turned on, and the indicator light is on.
  - (a) Members shall contact the OIT field tech or Tallahassee Help Desk for assistance with damaged and/or inoperable units as soon as possible, during normal business hours.
  - (b) Members shall immediately notify their supervisor of a damaged and/or inoperable unit.
- (3) The body camera and any assigned accessories shall be maintained by the individual member to ensure the camera and accessories are in working order.

### B Modes of Operation

- (1) Normal (Buffering) Mode – At the beginning of the member's shift, the body camera shall be turned on. The system continuously loops video-only recording for 30 seconds. No audio is recorded in this mode.
- (2) Record Mode – To activate the video record mode, press the button on the front of the body camera for one second. To deactivate the video record mode, press and hold the button on the front of the camera for 3 seconds.
- (3) Audio Only Recording Mode – to activate audio only record mode, press and hold the button on the front of the camera for 5 seconds. To deactivate the audio only record mode, press and hold the button on the front of the camera for 3 seconds.

### C Use

- (1) The body camera, if issued, shall be worn at all times when a member is in uniform including while working extra duty employment.
  - (a) Members are not required to obtain consent from individuals to record. Members are not required to inform individuals they are being recorded. If the member determines that informing an individual may de-escalate a situation, or if asked whether the member is recording, the member shall disclose whether he/she is recording.
  - (b) In locations where individuals have a reasonable expectation of privacy, such as a private residence, or a health care facility, a member shall stop recording unless the recording is being made pursuant to a criminal investigation, an arrest, a captive wildlife inspection, or search of the residence of the individuals.
    - 1. The member may elect to use the audio only record mode to capture statements if necessary.

- (c) Members may elect to turn the body camera off while intelligence gathering or to obtain information for a criminal investigation when an individual refuses to provide any information on video or audio.
  - (d) Members may turn the body camera off or leave it secured in the patrol vehicle in the following circumstances:
    1. Restroom breaks.
    2. Meal break at a private residence.
    3. When at facilities which do not allow the possession of video recording devices, when not needed for active criminal investigations, i.e. FedEx facilities, jails, courtrooms.
    4. While wearing a Class A or Class B uniform.
    5. With supervisor approval.
- (2) Members shall ensure the video and audio recording functions remain on at all times during the following circumstances:
- (a) Vehicle/vessel stops.
  - (b) All encounters to include license/bag checks, etc.
  - (c) Searches, seizures, and physical arrests.
  - (d) Use of force situations.
  - (e) All pursuits.
  - (f) All nonconsensual encounters.
  - (g) Miranda rights/requests for consent to search.
  - (h) Members shall activate the body camera during the course of any encounter with the public which becomes adversarial after the initial contact if/when it is safe to do so; or in advance of such an encounter if the member has reason to believe the encounter may become confrontational.
  - (i) Witness or victim interviews
    - (1) If a witness or victim refuses to provide a statement if recorded, and the encounter is nonconfrontational, the member may turn the body camera off to obtain the statement.
  - (j) Short duration public assistance transportation, prisoner transport, and emergency situations.
  - (k) Self-initiated contacts/activities where reasonable suspicion and/or probable cause exists that a crime is being committed, has been committed, or is about to be committed, or that evidence of a crime is present.
  - (l) Other investigative or enforcement activities where, in the members judgment, a recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.
  - (m) All encounters where the subject is believed to be involved in criminal activity.
  - (n) Pedestrian stops (to include member initiated consensual encounters).
- (3) Members shall start recording with the body camera as soon as practical during a given situation. Member safety shall not be compromised to record an event.

- (4)** Members may elect to mute the audio during an event to discuss the situation with other members or other law enforcement personnel.
- (5)** Once in the record mode, except as provided in Section 3, subsection C(1)(b-c) above, members shall continue to record until the completion of the event, or until they have left the scene (this includes recording of statements).
- (6)** Additional members who are equipped with a body camera arriving at a scene of an encounter shall place their camera in the record mode as soon as practical and continue to record until the completion of the encounter, or until they have left the scene except as provided in Section 3, subsection C(1)(b-c) above.
- (7)** Once the member ends the recording, he or she shall categorize the recording on the camera or the Master Dock software prior to the end of his or her shift.
- (8)** The body camera shall not be used to record:
  - (a)** Internal investigations (unless expressly authorized by the Division Director);
  - (b)** Members shall avoid capturing video of sensitive human areas such as exposed breast, groin, etc., when possible;
  - (c)** Events in changing rooms, restrooms or any other place where there would be a reasonable expectation of privacy, except as noted above in Section 3, subsection (C)(2)(h);
  - (d)** Administrative functions;
  - (e)** Any general or performance related discussions with employees/supervisors;
  - (f)** Members shall not use the body camera to record any personal conversation of, or between, another member/employee without such members/employee's knowledge or permission except pursuant to an approved investigation.
- (9)** Members shall not edit, alter, or delete/erase any body camera recordings.
- (10)** Members shall not make copies of any recordings and are prohibited from using any recording device (such as a phone, camera, or secondary video camera) to record any video or audio captured by the body camera recording system.
  - (a)** Authorized members (regional public records designee or other designee as assigned by the Fleet and Technical Services Section) shall be allowed to make copies for official use and/or to comply with public record requests.
- (11)** Body camera recordings shall be downloaded to the member's issued laptop daily. The member shall ensure that the Getac Master Dock software is running on the laptop while on duty to make certain the recordings are uploaded to the cloud server. Exceptions due to exigent circumstances shall be approved by a Captain or above.
- (12)** A supervisor who is responsible for approving an Incident Summary Report (ISR) may review the body camera recording(s) associated with the incident.
- (13)** Lieutenants shall ensure their subordinates utilize the body camera in accordance with this General Order. Lieutenants shall not randomly review body camera recordings, but may review recordings of subordinates for the following purposes:
  - (a)** When requested by the member to assist with an encountered situation, or when the member has asked for the Lieutenant's insight or guidance on the situation.
  - (b)** When the officer is involved in a Use of Force or other high-profile situation.
  - (c)** To review any recorded event as it relates to a crime; or any complaint made against a member;

- (d) To assess a member during the member's initial probationary period;
  - (e) When a member is on a Remedial Action Plan (RAP), when the member's conduct with the public is part of the RAP;
- (14) Captains may review recordings of their subordinates to:
- (a) With a Major's approval, assess performance issues or treatment of the public outside of official allegations.
  - (b) Review any recorded event as it relates to a crime; or any complaint made against a member.
  - (c) Document heroic actions or other commendable act for appropriate recognition.
- (15) Majors may review recordings of members in their command.
- (16) Captains (or above) may direct members to remove body cameras in the event of extreme environmental conditions where the possibility of damaging or losing the camera is likely (e.g.: working hurricane/flood response).
- (17) Members of the Fleet and Technical Services section may review recordings to ensure the system is working properly.
- (18) Training captains and above may approve Training staff to review body camera recordings for training purposes and use of force review.
- (19) **Plain Clothes Officers and Investigators 1**
- (a) Shall comply with Section 3, subsection C(2)(a-j).
- (20) **Investigator II Resource/Captive Wildlife/Environmental**
- (a) When in uniform, members shall comply with the sections of this General Order which apply to members on uniform patrol.
  - (b) Members shall use the body camera for recording video and/or audio interviews of suspects or witnesses in criminal investigations.
  - (c) Members shall use the body camera when conducting inspections of facilities or other areas when not working in a covert capacity. The body camera may be turned off during these inspections at the request of the person/facility of the inspection unless a violation is observed, at which time the body camera shall be turned back on.
  - (d) Members shall use the body camera when executing search or arrest warrants.
- (21) **Special Operations Group (SOG)**
- (a) Members shall use the body camera when conducting SOG operations unless the SOG Commander dictates that the camera will be turned off or not worn.
  - (b) Members shall use the body camera when executing search or arrest warrants.
- (22) **Pilots**
- (a) Shall comply with the sections of this General Order which apply to members on uniformed patrol. Pilots are not required to wear the body camera while engaged in flight operations.

## **D Critical Incidents**

- (1) Members equipped with a body camera may encounter situations where critical incidents are recorded. These situations may include, but are not limited to:
  - (a) Member-involved shooting;
  - (b) In-custody death;

- (c) Member-involved traffic crash with a fatality or serious injury;
  - (d) Member suffers serious injury or death in the line of duty.
- (2) After these situations, members equipped with a body camera shall stop recording and power down the device at the conclusion of the event. The body camera shall remain affixed to the member(s) in the same position as it was affixed throughout the event and shall not be handled unless emergency medical attention is necessary, requiring the body camera be removed. A supervisor will immediately take physical custody of the body camera, personally maintain chain of custody of the device and handle it according to Division evidence protocols found in General Order 16, *Collection, Preservation, and Documentation of Evidence*. The camera shall not be downloaded until approved by the Regional Commander or Section Leader.
- (3) A photograph or video or audio recording that depicts or records the killing of a law enforcement member who was acting in accordance with his or her official duties shall be locked by the Fleet and Technical Services Section Leader or designee.
- (a) The custodian of the record, or his or her designee, may not permit any other person to view or copy such photograph or video recording, or listen to or copy such audio recording without a court order. A criminal or administrative proceeding is exempt from this section. Any custodian who willfully and knowingly violates this section commits a felony of the third degree per Section 406.136 Florida Statutes.

**E Storage and Use of Recordings**

- (1) The body camera shall be connected to the member’s laptop for charging and downloading of data. The data is stored on a CJIS compliant server maintained by the vendor.
- (a) The member shall assign the appropriate video or audio storage category and tag(s) for every recording, with the incident number (if available) and the name of the subject or other unique title during the upload process.
- (b) Florida law requires that body camera records be retained for specific minimum periods determined by the content of the record. It is extremely important that members take great care in categorizing the body camera records.
- (c) The video or audio storage categories are:

Video or Audio Storage Categories	Days	Anniversary Years
Incidental	90	
Misdemeanor		5
Felony		13
Capital / Life Felony		100

1. Incidental – To include citizen encounters, no violation, issued warnings and issued non-criminal infraction citations.
  2. Misdemeanor – To include all issued misdemeanor citations or physical arrests and assisting other agencies where a misdemeanor citation was issued or physical arrest occurred, and all pursuits which result in other than felony arrest, and body camera recordings where degree of crime is unknown or no charges were filed.
  3. Felony – To include physical arrests for felony violations or assisting other agencies where the defendant was arrested for a felony
  4. The longer retention period shall be used for each event when categorizing videos.
- (d) The member may decide to manually extend the retention period of the body camera

recording for investigative purposes, court extension, etc.

- (2) Recordings captured via the body camera shall be used and/or shared for official purposes only.
- (3) Recordings captured via the body camera for evidentiary purposes shall be handled in accordance with GO 16 - *Collection, Preservation, and Documentation of Evidence and Property*.
- (4) Members may use recordings captured via the body camera to assist with an investigation and complete reports.
- (5) Members shall be permitted to review body camera recordings upon his or her own initiative before writing a report or providing a statement regarding any event arising within the scope of his or her official duties. This provision may not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses. Field Training Officers may use video captured via the body camera to provide immediate training to probationary officers and to assist with the completion of the FTO Daily Observation Report (FWC/DLE\_902FTO).

**F Public Records**

- (1) Members shall not allow citizens to review recordings on scene, however, the member shall comply with all public records request.
- (2) A member shall immediately forward via e-mail any request by the public (public records request) for body camera recordings to the regional public records designee or other designee as assigned by the Fleet and Technical Services Section. The requester has the option to remain anonymous, however, contact information shall be required to fulfill the request.

**G** Failure to adhere to the policies and procedures in this General Order shall be considered a violation of Commission disciplinary standards and may result in disciplinary action.

**4 FORMS**

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE_902FTO	FTO Daily Observation Report