

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 41.20</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 04/17/2020
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<b>Title</b>  <b>BODY WORN CAMERAS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  /  <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines related to the use of body-worn cameras (BWCs) so that deputies may reliably record their official law enforcement contacts with the public in accordance with policy and the law. In addition, this general order shall serve to establish guidelines associated with the secure management, storage and retrieval of the data stored on the Volusia Sheriff's Office issued BWC to safeguard the integrity of the digital images captured should they need to be produced for evidential purposes.

## II. DISCUSSION

When implemented correctly, body worn cameras can strengthen the law enforcement profession overall. BWCs can assist in promoting agency accountability and transparency; they offer useful tools for increasing officer professionalism, improving officer training, capturing and preserving evidence and documenting encounters with the public.

It is recognized, however, that due to several uncontrolled variables and circumstances, video footage does not always fully represent or capture the complete and entire encounter as experienced by the deputy. Factoring in physiological reaction times, law enforcement training and knowledge of inherent dangers and stress associated with particular encounters, persons reviewing recordings must be cautious before conclusions are reached about what the video shows.

It is further recognized that BWC equipment has the potential to malfunction, become disengaged from BWC accessory components, or otherwise become damaged, if it is subjected to shock or physical impacts while a deputy is engaged in physical contact or an altercation with a person, physically traversing terrain or landscape in pursuit of a person, or is otherwise engaged in a hazardous activity while performing a legitimate law enforcement function or duty.

Like other new forms of technology, body worn cameras have the potential to transform the field of policing. First and foremost, agencies must always remember that the ultimate purpose of these cameras is to help law enforcement protect and serve the people in their communities through open communication and best practices.

## III. POLICY

To enhance the services provided to the community, the Volusia Sheriff's Office authorizes the use of body-worn camera technology as an additional layer of documentation for events, actions, conditions and statements made in accordance with the performance of official law enforcement duties and to improve deputies' reports, the collection of evidence and testimony in court. The use of body-worn camera technology is meant to assist and complement deputies in the performance of their duties and is not meant to replace or relieve the deputy of submitting any and all required written reports.

It is the policy of the Volusia Sheriff's Office that all audio, images and media associated with the BWC are the express property of the Volusia Sheriff's Office and shall not be accessed, copied, released or disseminated in ANY form or manner outside the parameters of this policy without the express written consent of the Sheriff.

In accordance with general order 26.2 Standards of Conduct, any violation of this policy/general order shall result in discipline up to and including termination (Refer to Sections IV.H.1.c. – IV.H.2.d. and Sections IV.I.12.a. – IV.I.12.c.). Supervisors shall be held accountable and subject to disciplinary action for failure on a subordinate's part to adhere to this policy (Refer to general order 12.1 Command and Control, Section IV.C.1.).

## IV. DEFINITIONS

**Active Mode** – In active mode, the BWC saves the buffered pre-recording and continues recording audio and video for the available life of the battery or until the BWC is deactivated.

**Authorized User** – Volusia Sheriff's Office designated personnel with a direct job-related function/responsibility regarding BWC footage to include BWC Operators, BWC Operator supervisors, Detectives; Command Staff; Internal Affairs Lieutenant; Office of Public Affairs and Media Relations; Training Director; Digital Records Unit personnel and their supervisors; IT Director, and/or personnel specifically designated by the Chief in furtherance of legitimate law enforcement purposes.

**Body Worn Camera (BWC)** – A camera worn on an individual deputy's person that records and stores audio and video.

**Body Worn Camera (BWC) Operator** – An authorized and trained representative of the Volusia Sheriff's Office assigned to operate the BWC equipment.

**Buffering Mode** – In buffering mode, the BWC continuously loops recording for a pre-designated amount of time before the recording is activated by the deputy.

**Digital Evidence** – Includes photographs, audio recordings, and video footage with evidentiary value that is captured and stored in digital format.

**Long Term Storage** – The Digital Crime Scene (DCS) system which is used to provide access and storage for digital evidence in audio, picture and video formats.

**Members of the Public** – Inclusive of all persons whether or not a citizen of the United States of America.

**Short Term Storage** – The temporary storage location for digital media, such as a camera memory card, Evidence.com, or the Milestone system.

**Video Recording** – The electronic recording of visual images with or without audio recordings.

## V. PROCEDURE

### A. OBJECTIVE

1. The Volusia Sheriff's Office has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
  - a. To enhance public trust, reduce the number of complaints and resolve deputy-public involved incidents by preserving objective representations of deputy-public interactions in the form of video and audio recordings;
  - b. To enhance deputy safety through the recognition that visible display of a BWC can assist in defusing potentially confrontational situations and improve behavior from all parties;
  - c. To accurately document statements and events during the course of a law enforcement encounter;
  - d. To enhance the accuracy of deputy reports and testimony for courtroom preparation/presentation;
  - e. To enhance the Volusia Sheriff's Office ability to review probable cause for arrest and deputy-suspect interaction;
  - f. To enhance the documentation of crime and accident scenes, or other events that include the confiscation and documentation of evidence or contraband.

- g. To provide an impartial measurement for self-critique and field evaluation during deputy training;
- h. To identify areas for professional development, training and policy enhancement;
- i. To proactively prevent problems from arising in the first place and assist in evaluating/improving performance.

## **B. MODES OF OPERATION**

1. The BWC has two operating modes:
  - a. **Buffering Mode:** In buffering mode, the BWC continuously loops recording for a pre-designated amount of time before the recording is activated by the deputy.
  - b. **Active Mode:** In active mode, the BWC saves the buffered pre-recording and continues recording audio and video for the available life of the battery or until the BWC is deactivated.

## **C. PROHIBITED USE AND ACTIONS**

1. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone or other device to record or capture digital video/images of BWC recordings is strictly prohibited. ONLY Volusia Sheriff's Office issued equipment may be used to access BWC equipment.
2. Under no circumstances shall any employee of the Volusia Sheriff's Office make a personal or secondary copy of any recorded event by any means without the written consent of the Sheriff (e.g. using a personal cell phone camera to record BWC image/media). Lead detectives/deputies creating a secondary copy of a BWC recording subsequent to an official investigation, which shall remain attached to the case file, or submitted to court as evidence, are exempt from this requirement.
3. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and/or contrary to this procedure is strictly prohibited without prior written approval from the Chief Deputy, or his designee.
4. BWC operators shall not use any other electronic devices or other means in order to intentionally interfere with the capability and professional agency intent of the BWC system.
5. Volusia Sheriff's Office employees are prohibited from altering, reusing, modifying or tampering with BWC recordings. Only members of the Information Technology Section are authorized to delete recordings in accordance with this policy.
6. Deputies are not authorized to playback BWC recorded media for public viewing except for official law enforcement purposes as authorized by a supervisor.

## **D. OPERATIONAL PROTOCOLS**

1. Deputy safety shall remain the primary consideration when contacting members of the public and/or conducting vehicle stops, not the ability to record an event.
2. Deputies shall follow all existing deputy safety policies and practices when conducting enforcement stops as outlined in Volusia Sheriff's Office general orders and in accordance with Volusia Sheriff's Office training.
3. It is understood that not all situations clearly start out as a law enforcement encounter requiring documentation by the BWC, nor do all recorded events have a clear ending for when the BWC is no longer required.
4. The Volusia Sheriff's Office recognizes certain circumstances where deputies in a proactive capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, deputies shall activate the BWC if doing so does not place them, or others, in danger. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the deputy or others, the deputy will activate the BWC at the first available opportunity after the immediate threat is addressed.

Supervisors shall closely review documentation of such incidents to ensure such circumstances did in fact exist.

## **5. BEGINNING OF SHIFT**

- a. Each deputy with a functioning BWC device shall document this fact in CAD once the BWC is in the deputy's possession and is ready for activation. This shall be accomplished by adding a secondary operator to the unit that identifies the specific BWC device using the procedures defined below:
  - (1) For deputies using an MDC, the log on function shall be used to document the availability of a BWC by entering "BWC" as a secondary operator and logging the BWC Volusia Sheriff's Office issued device number as the corresponding radio identifier.
  - (2) For deputies without a functioning MDC, the BWC device ID shall be called out over the radio and documented in the unit's CAD history as a secondary radio identifier along with a secondary operator of "BWC" by Communications personnel.
  - (3) If the deputy is not yet in possession of the BWC at the time of log on (e.g., specialty team member deployed prior to arrival at assigned home District) the deputy shall advise via radio; Communications Section personnel shall document this fact in the comment field of the respective unit's CAD history.
  - (4) If the deputy previously logged on duty without an available BWC, a second log on shall be performed (i.e., re-log on) when the BWC is in the Deputy's possession and is ready for use, as outlined above.

## 6. CAMERA POSITION

- a. In order to maximize deputy point of view (POV) recordings, deputies shall wear the BWC on or about the head area utilizing Volusia Sheriff's Office issued accompaniment(s). Head or collar mounts are acceptable; the option shall be at the discretion of the individual Deputy. **Exception:** Deputies assigned to specialized units such as K-9, or engaged in a special operation, may wear the BWC as specifically authorized by the Chief Deputy, or his designee.
- b. Camera mounting positions shall be monitored and tested periodically as part of the Volusia Sheriff's Office continual program evaluation to determine the best performance options available for deputies.
- c. Deputies shall periodically check the position of the camera based on its mounting location and Deputy activity to ensure proper camera alignment.

## 7. CAMERA SECURITY AND HANDLING

- a. Images on the BWC may contain footage of an evidentiary nature and shall therefore be treated and safeguarded as such. Good security practices provide the foundation for the chain of custody and ensure the integrity of evidence. Preventing unauthorized access and eliminating any perception that unauthorized access may have occurred, reduces the potential for accusations of tampering.
- b. Functioning BWC devices shall be worn at all times by the authorized deputy while on duty.
- c. Malfunctioning BWC devices shall be secured by the deputy until returned to the Information Technology Section, in accordance with this general order.

## 8. END OF SHIFT

- a. At the end of each shift, deputies shall place their assigned BWC device in a docking station. When properly docked, the device will recharge and all recordings shall be automatically off-loaded from the device and placed into Short Term Storage. For those recordings tagged with a case number, an automated process transfers the recordings into Long Term Storage on the Digital Crime Scene (DCS) system.
- b. If the deputy remains on duty after docking the BWC device, then the docking event shall be immediately documented in the CAD unit history. For deputies with a functioning MDC, this shall be accomplished by entering a miscellaneous comment indicating the location where the BWC was docked. For deputies without a functioning MDC, the BWC docking event and location shall be called out over the radio and documented in the unit's CAD history by Communications personnel.
- c. At the end of each shift, any spare BWC and accessories shall be returned and docked at the originating location.

## 9. ADVISEMENTS ABOUT RECORDING

- a. Members of the public do not have a reasonable expectation of privacy when talking with deputies during the scope of the Deputy's official duties while responding to and investigating crime, even when the contact is in a private residence. Therefore, deputies are not required to give notice they are recording. However, if asked, deputies shall advise the individual they are being recorded.
- b. Deputies are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a member of the public.
- c. Deputies shall be aware of patients' rights to privacy when in hospital settings.

## **E. REQUIRED TRAINING**

1. Deputies shall not use the BWC until they have successfully completed all required training on the inspection, activation, use, storage and uploading of all recorded media from the BWC. Only those deputies completing the required training are authorized to use or be in possession of a BWC device.
2. Training content shall include, but not be limited to the following:
  - a. Manufacturer's operating procedures/requirements;
  - b. general order 41.20 Body Worn Cameras;
  - c. An overview of relevant state and federal laws;
  - d. Discussion of scenario-based events deputies may encounter;
  - e. Procedures for uploading and classifying recorded data;
  - f. Procedures for accessing and reviewing recorded data;
  - g. Procedures for preparing and presenting digital evidence in court.
3. In addition, relevant BWC training bulletins shall be issued covering operational scenarios, new/emerging trends, legislative changes, court cases, etc. This material shall be issued by the Training Section and posted on Training's intranet site to serve as a resource/reference for personnel.
4. Supervisory personnel that are not already trained as BWC Operators shall receive documented training on accessing and reviewing BWC footage and the Administrative Review Process.

## **F. EQUIPMENT MAINTENANCE AND INSPECTION**

1. Inspection and general maintenance of BWC equipment shall be the responsibility of the Deputy assigned the equipment.
2. BWC equipment shall be operated in accordance with manufacturer's recommended guidelines, Volusia Sheriff's Office training and policies.
3. Prior to the beginning of each shift, deputies shall inspect their assigned BWC device to ensure:
  - a. The BWC is fully charged;
  - b. There is no visual damage;
  - c. The BWC is performing in accordance with the manufacturer's recommendations;
  - d. All recorded video from the previous shift has been off-loaded.
4. If any of these requirements are not met, then the deputy shall follow the section below for ***Defective or Unavailable BWC Devices***.
5. **DEFECTIVE OR UNAVAILABLE BWC DEVICES**
  - a. Malfunctions or other operational problems, damage, loss, or theft of the BWC equipment must be immediately:
    - (1) Documented in the unit's CAD history;
    - (2) Reported to the deputy's supervisor and;
    - (3) Reported to the Information Technology Section via e-mail.

- b. Any changes to the availability of a BWC device during a deputy's assigned shift shall be immediately documented in the CAD unit history. This includes BWC devices that were found or restored to working order during the same shift that they were reported as malfunctioning or otherwise unavailable, as well as the temporary use/assignment of spares. For deputies with a functioning MDC, this shall be accomplished by entering a miscellaneous comment. For deputies without a functioning MDC, the change in the BWC device availability shall be called out over the radio and documented in the unit's CAD history by Communications personnel.
- c. It is incumbent upon the deputy and the supervisor to immediately contact the Information Technology Section to report malfunctioning, damaged, lost, or stolen BWC devices; this may be accomplished via e-mail. All repairs or replacements shall occur during normal business hours for the Information Technology Section.
- d. An Auto-Incident Report, the form is located under Volusia Sheriff's Office Forms/Administrative Forms on the intranet shall be completed anytime a BWC is damaged, lost, or stolen; a copy of the report shall be forwarded to the Division Chief via chain of command. Approved Auto-Incident Reports shall be forwarded to the Information Technology Section and the Internal Affairs Unit.

## **G. SPARE BWC USAGE AND PROCEDURES**

### **1. SPARE BWC USAGE**

- a. A designated number of spare BWCs are available at each District office, Special Services Section, and the Civil Unit in Daytona Beach. All spare equipment shall be labeled with a unique camera identifier to indicate the assigned location and shall be returned to the originating location at the end of each shift.
- b. Spare cameras and tablets are paired together. Therefore, when using a spare camera, the associated spare tablet with the same designated camera ID must be used.
- c. Spare cameras are right-hand oriented ONLY. When utilizing a spare, deputies that normally use a left-handed mount shall be required to wear the spare on the right side, otherwise all video will be upside down.
- d. The temporary use and assignment of spare BWCs shall be coordinated through the respective sergeant; priority shall be given first to those deputies experiencing BWC operational problems during their regularly scheduled shift.
- e. Spare BWC equipment is required for use in the following situations:
  - (1) Temporary replacement of defective equipment (camera/tablet, battery pack, cables, mount equipment).
  - (2) Deputies assigned a BWC as part of their official duty assignment but working overtime outside their assigned home district and where their assigned BWC is docked/secured at their home district, or not otherwise readily accessible.
  - (3) Deputies not assigned a BWC, but work overtime to fill a position that would normally require use of a BWC.

### **2. SPARE BWC PROCEDURES**

- a. When required to use spare BWC equipment in the abovementioned scenarios, deputies must adhere to the following procedures:
  - (1) Contact the sergeant in charge for replacement of defective BWC equipment, or to utilize equipment while working overtime;
  - (2) The sergeant shall be responsible for the following:
    - Distributing, tracking, and ensuring the return of the spare BWC equipment at each respective location; and
    - Notifying Information Technology if any equipment is temporarily removed to replace defective equipment.
  - (3) Prior to using a spare BWC, the deputy MUST (via MDC or a Telecommunicator) enter the "BWC" as the second operator and the camera ID assigned to the spare camera (as labeled on camera) as the second operator's radio ID.

- Example: The radio ID of “SPARE22” identifies the camera as a spare assigned to District 2 and is the second spare camera at that location.
- (4) **IMPORTANT:** This procedure is very important; it is this identification method that allows an automated process to assign all videos recorded to the respective deputy using the spare on that date/time.
  - (5) **ALL** videos associated with a case number must be tagged on the corresponding tablet **PRIOR** to docking the camera. Since spare BWCs are not assigned to individual deputies, but rather to the originating location, BWC video cannot be viewed or tagged after it is uploaded to Short Term Storage. Once the automated process assigns the videos to the submitting deputy and the transfer to the Digital Crime Scene (DCS) is complete, the tagged videos shall be available for view.

## H. REQUIRED ACTIVATIONS: WHEN AND WHERE TO RECORD

1. Members of the public have a reasonable expectation of privacy in their homes. However, when deputies are lawfully present in a home in the course of official duties, there is no reasonable expectation of privacy.
2. BWC recordings are meant to assist and compliment the field reporting and investigative process as a secondary layer of documentation. Recordings shall not be used as the primary source of gathering or documenting information in lieu of required reports, witness statements, or any other investigative documentation.
3. Deputies with an assigned BWC device shall activate it during the following type of events:
4. **ENFORCEMENT RELATED CONTACTS**
  - a. **EMERGENCY RESPONSE:** When responding to calls that require the deputy to engage in emergency vehicle operations and the activation of emergency lights and siren (i.e. Code 3), the BWC shall be activated as safely as possible upon being dispatched.
  - b. **NON-EMERGENCY RESPONSE:** When responding to non-emergency or routine calls, or self-initiated activities that require a BWC recording noted herein, the BWC shall be activated upon arriving at the scene and just prior to exiting the vehicle.
  - c. **Enforcement Related Contacts** include, but are not limited to, the following circumstances:
    - (1) In-progress crimes
    - (2) Arrests; advising an individual of their Miranda warnings
    - (3) Traffic stops
    - (4) Traffic crashes – when Volusia Sheriff’s Office is the reporting agency
    - (5) Building alarms
    - (6) Use of force incidents
    - (7) Foot and motor vehicle pursuits
    - (8) Sexual offender/predator address verifications
    - (9) Baker Act enforcement
5. **CRIMINAL INVESTIGATION CONTACT**
  - a. **Criminal Investigation Contacts** include, but are not limited to, the following circumstances:
    - (1) Encounters with persons who are accused or suspected of crimes
    - (2) Field interviews.
    - (3) During investigations of criminal acts and/or encounters in which the deputy is attempting to develop reasonable suspicion on the subject of the encounter
    - (4) Vehicle searches, building searches, and searches for suspects
    - (5) Execution of a search warrant, a Fourth Amendment waiver search, or a consent search
6. **VOLUNTARY CONSENT TO SEARCH**

- a. The BWC shall be used to record all consent searches (vehicle/residence/structure). Consent must be freely, voluntarily and knowingly given by the person and may be revoked at any time. The Deputy shall capture the full consent process on the BWC, including the individual's authorization and/or denial.

#### **7. PRISONERS/DETAINEES**

- a. While a prisoner/detainee is secured in the back of a patrol vehicle and in the presence of the deputy (either stationary or transporting), the deputy shall continue to record using the BWC in accordance with the following procedures:
  - (1) While recording a prisoner/detainee secured in the back of a patrol vehicle, the deputy may use discretion to re-orient the camera to capture the best possible viewing angle of the prisoner/detainee
  - (2) Recordings shall continue while the deputy remains in the vehicle
  - (3) Recording shall be stopped after transferring the prisoner/detainee to a Prisoner Transport Unit or once secured into a holding cell.
  - (4) While being guarded by a deputy in the hospital, prisoners in custody awaiting court appearance shall not routinely be recorded unless actions fall within the parameters of this general order.

#### **8. SCHOOL RESOURCE DEPUTY**

- a. While in the performance of SRD duties, deputies shall be required to activate their BWC in the following circumstances:
  - (1) All transport;
  - (2) Active incident;
  - (3) While conducting a criminal investigation
  - (4) During subject and suspect interviews
- b. SRDs are prohibited from recording the following events:
  - (1) Student discipline while in an office
  - (2) Parent discussions
  - (3) Nurse's office
  - (4) During casual conversations and mentoring

#### **9. SUSPECT**

- a. When recording suspect interviews, deputies shall ensure they record any admonishments prior to the start of an interview and shall not stop and start the recording during the course of the interview. If the interview is conducted in a Volusia Sheriff's Office interview room equipped with recording equipment that is being actively utilized, the BWC may be deactivated during the course of the interview.

#### **10. CRIME VICTIMS**

- a. Deputies shall record victim/witness statements while investigating crimes. In accordance with Fla. Stat. § 943.1718(4), Chapter 934 does not apply to body worn camera recordings made by law enforcement. However, if the victim/witness is unwilling to give a statement while the BWC is activated, the Deputy may deactivate the BWC after first recording the date, time and reason for the deactivation. This deactivation shall be noted in the Deputy's report or CAD if no report is completed.

#### **11. SPECIAL CIRCUMSTANCES**

- a. If a deputy witness's an event occur, such as a criminal act or traffic crash, he/she shall immediately activate the BWC in an attempt to capture the events that lead to the incident.
- b. All activities while providing backup to another deputy or another agency in the execution of the abovementioned definitions of required use shall be recorded.

#### **12. OUTSIDE DETAILS AND OVERTIME**

- a. Deputies working outside details, outside employment (when in uniform), overtime assignments and assignments as directed by a supervisor shall activate their assigned BWC for any activities that fall under the definition of required use within this general order.

## **I. PROHIBITED ACTIVATIONS: WHEN AND WHERE NOT TO RECORD**

1. The BWC shall not be used to deliberately record:
  - a. Confidential informants or undercover deputies;
  - b. Conversations of fellow employees without their knowledge during routine, non-enforcement related activities;
  - c. Volusia Sheriff's Office administrative investigations;
  - d. Personal activity or while on a break;
  - e. Pre-shift conferences/briefings.
2. A BWC shall not be used to record crime scenes or injuries unless incidental while recording another activity that falls under the definition of required use. Established methods such as handheld cameras and still photos shall remain the primary method for recording crime scenes and injuries.
3. Unless the BWC is being used as part of an activity that falls under the definition of required use, the BWC shall not be activated in places where a reasonable expectation of personal privacy exists such as locker rooms, dressing rooms, or restrooms.
4. Under no circumstance shall a conversation between Volusia Sheriff's Office employees be recorded without all parties to the conversation being aware of the fact that it is being recorded. Conversations between Volusia Sheriff's Office employees that are not required to be captured as evidence in the furtherance of completing a law enforcement investigation shall not be recorded.
5. **DEMONSTRATIONS**
  - a. As a general policy, deputies should refrain from video recording or photographing peaceful demonstrations. The Volusia Sheriff's Office does not condone systematic surveillance or tracking of the general law abiding peaceful member of the public exercising their right to peaceful demonstrations in accordance with their constitutional rights.
  - b. When there is reason to believe that a planned event has the potential for unlawful activity, Commanders should make the determination whether visual recording or photographing is appropriate.
  - c. If deputies witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording.

## **J. FAILURE TO RECORD**

1. There may be circumstances when a deputy fails to record an event or activity that is otherwise required by policy to be recorded, including but not limited to:
  - a. Conditions make it unsafe or impossible to activate the camera;
  - b. Deputy-exercised discretion during citizen contacts or enforcement actions for the purpose of protecting privacy rights (victims, hospitals, mental health facilities), or at the request of the public to facilitate information/intelligence gathering and preserve community relations. In these scenarios, deputies shall record the specific request or circumstance prior to deactivating the recording. As soon as the requested private conversation is completed, the BWC shall be returned to active mode so long as the situation still falls under the definition of required use. Deputies are reminded that when the BWC is placed back to active mode, prior video footage captured during buffering mode shall also be saved;
  - c. The BWC malfunctions or otherwise fails to capture the event/activity;
  - d. Emergency call out of an off-duty deputy who does not have immediate access to their issued BWC; in such scenarios, the deputy will respond directly to the scene of the emergency and shall not be required to first obtain their BWC from the District. (i.e., calls for SWAT, K-9, Bomb Squad)

2. In these situations, deputies are required to document their reasons at the beginning of the narrative of the appropriate report such as incident report, arrest/complaint affidavit, field interview, traffic crash report, and CAD incident history. For traffic citations and warnings, this should be documented in the officer notes section.
3. Documenting the reasons for not recording in a particular circumstance helps to maintain agency transparency and accountability, ensures supervisory review of recording irregularities for quality assurance, and explains the absence of such video footage for investigations and court proceedings.
4. In any circumstance requiring BWC recording of a consent to search (vehicle, residence, structure) for which the BWC is not utilized by the deputy to capture the full voluntary consent, the respective deputy's supervisor shall review the circumstances and complete a memorandum to the Sheriff detailing the action taken.

## **K. SUPERVISOR RESPONSIBILITIES – PRESERVATION OF BWC EVIDENCE**

1. When an incident arises that requires the immediate retrieval of BWC media for chain of custody purposes (including, but not limited to: deputy involved shootings/use of deadly force, in-custody deaths, or others as determined by policy/supervision) a supervisor shall respond to the scene and ensure the BWC remains affixed to the deputy in the manner it was found, take a photograph of the BWC as worn by the Deputy and ensure that the BWC data remains uncompromised until the documented custody transfer to the lead Detective, either Investigative Services Major Case, or FDLE as deemed required in accordance with established policy (refer also to general order 1.1 Use of Force Guidelines for additional on-scene supervisory responsibilities surrounding Deputy involved shootings/use of deadly force, in-custody deaths.). The BWC shall continue recording until advised by the on-scene supervisor to deactivate.

**EXCEPTION:** In a deadly force incident that, due to exigent circumstances (such as the deputy is incapacitated, the suspect is at large), access to the BWC video may aid in capture of the suspect, the on-scene supervisor, with approval from the watch commander, may view the footage. Required access shall be documented in the supervisor's report.

2. Through direct supervision, the supervisor is responsible for the care and custody of the BWC and corresponding tablet until it has been removed, secured and powered off by the lead Detective.
3. Supervisors may view recordings in the field in order to mitigate citizen complaints, however the respective Captain, or his/her designee should be contacted prior to playback of the BWC recorded media for viewing by the involved member of the public.

### **4. QUALITY CONTROL**

- a. As part of the report review process, supervisors shall verify that recordings relating to a case number are properly documented in accordance with established procedures listed below under Documenting Recorded Events.
- b. Monthly District/Section Lieutenants shall randomly review 3-5 BWC recordings to ensure that deputies are using the devices in accordance with policy and shall identify any areas that may require additional training or guidance.
- c. This review shall include a range of activity types to ensure review of a variety of deputy response (e.g. traffic stop, domestic violence, use of force, suspicious person, etc.). The Lieutenant shall document and forward this review via memorandum to their respective Captain. The Captain shall maintain all memorandums in a tickler file for one (1) calendar year.

## **L. DOCUMENTING RECORDED EVENTS**

1. If the recorded event requires a report or citation in accordance with Volusia Sheriff's Office policy and procedures, the existence of a BWC recording shall be documented within the associated report as defined below.
  - a. **Incident Report** – For all activities related to incidents that have been assigned a case number, the existence of BWC recordings shall be documented on a property report with a description of "BWC Recording" and a property involvement of "Digital Evidence".
  - b. **Charging Affidavit** – For all charging affidavits including complaint affidavits, arrest affidavits, and notices to appear in court, the existence of BWC recordings shall be listed

under the “Evidence Collected” section with a description of “BWC Recording”. The statement “BWC Recording” shall also be included at the beginning of the narrative.

- c. **Traffic Crash Report** – For all traffic crash reports, the existence of BWC recordings shall be documented with the statement “BWC Recording” at the beginning of the narrative. Using the traffic crash report, the Records Section shall be responsible for recording the required BWC property information in RMS.
  - d. **Traffic Citation, Warning, and Field Interview Card (FIC)** – The existence of BWC recordings is not required to be documented on traffic citations, warnings, or FIC’s. However, if a deputy with an assigned BWC fails to record the issuance of a traffic citation, warning, or FIC, then the reason for the failure shall be documented in the officer notes section.
  - e. **Criminal Citation** – for arrests involving misdemeanor criminal traffic offenses through the issuance of a Uniform Traffic Citation, the existence of BWC recordings shall be documented by adding the notation “BWC Recording” after the case number on the front of the agency’s copy. Using the criminal citation, the Records Section shall be responsible for recording the required BWC property information in RMS.
2. Except for traffic crash reports and criminal citations, the original report writer shall indicate the existence of BWC video in a property report; all deputies shall be responsible for tagging their BWC footage with respective case numbers in accordance with policy and required training.
  3. Prior to the end of each shift, deputies shall ensure that all BWC recordings documented on a property report, traffic crash report, or criminal citation in accordance with this general order have been updated with the associated case number.
  4. If the video is related to multiple case numbers, a comment shall be placed in the narrative of each respective incident report referencing all case numbers associated with the video.
  5. When assisting another agency, a case number shall be pulled and a property report completed for any recordings of evidentiary/investigative value or when requested by the agency to which assistance was provided. For multiple deputy response, refer to section V.L.3.
  6. No documentation is necessary for BWC recordings that do not require an associated report such as a confrontational public contact that subsequently de-escalates.

## **M. DATA MANAGEMENT AND RETENTION**

1. At the end of each shift, deputies shall place their assigned BWC device in a docking station. When properly docked, the device will recharge and all recordings shall be automatically off-loaded from the device and placed into Short Term Storage.
2. For those recordings tagged with a case number, an automated process transfers the recordings from Short Term Storage to Long Term Storage in the Digital Crime Scene (DCS) System. All video contained within the Long Term Storage shall be managed by the Information Technology Section in accordance with established procedures in general order 84.2 Digital Evidence Management System (DEMS).
3. All BWC recordings in Short Term Storage shall be retained for 180 days unless determined otherwise through the Administrative Review Process.
4. If a complaint is associated with a recorded event or a deputy believes an incident may generate a complaint, the supervisor shall initiate the Administrative Review Process to include a written request via email to the Division Chief or designee through chain of command for the Information Technology Section to retain the video until the complaint investigation is complete.

## **N. ACCESSING BWC RECORDINGS**

1. With the exception of deputy-involved shootings/use of deadly force incidents, BWC Operators may review their own recordings. In deputy-involved shooting/use of deadly force incidents, involved deputies (primary, backup, witness deputies) shall not view related BWC footage and shall secure their respective BWC as evidence pending arrival of a supervisor in accordance with established procedures in general order 1.1 Use of Deadly Force.
2. All other access to all BWC recordings shall be restricted to Authorized Users for legitimate law enforcement purposes only. Posting of BWC video data to ANY social media site, without prior approval from the Chief Deputy, or his designee is prohibited.

3. All activities related to BWC footage is recorded, monitored, and subject to audit to ensure it is authorized.
4. Only Volusia Sheriff's Office issued equipment may be used to access BWC equipment, or the BWC recordings.
5. Any request for BWC media made from outside the Volusia Sheriff's Office shall comply with both the records disclosure and records management policies of the Volusia Sheriff's Office.
6. **DEPUTIES AND DETECTIVES**
  - a. Deputies should review digital evidence prior to completing reports/supplements when necessary to ensure accuracy of specific details. Deputies shall review digital evidence prior to providing testimony at hearings, trial, or depositions.
  - b. Detectives are responsible for tracking and properly classifying digital evidence associated with their respective assigned cases.
7. **ADMINISTRATIVE REVIEWS**
  - a. Digital recordings may be reviewed by respective sergeants and above for administrative purposes including, but not limited to the following:
    - (1) Investigation of a complaint against the deputy or a specific incident in which the deputy was involved;
    - (2) Deputy involved traffic crash;
    - (3) Use of force/response to resistance;
    - (4) When there is a pattern of allegations of abuse or misconduct;
    - (5) When a deputy has been identified through the Volusia Sheriff's Office's early intervention system;
    - (6) Review the performance of probationary deputies or deputies still assigned to an FTO;
    - (7) Civil claims;
    - (8) Identify videos for training purposes and instructional use.
8. **ADMINISTRATIVE REVIEW PROCESS**
  - a. The Administrative Review Process shall be the same as that used for reporting use of force; it shall be documented and reviewed through the respective chain of command to the Division Chief, or designee. If the Division Chief determines the recording needs additional review prior to finalizing a retention recommendation, a copy shall be sent to the Chief Deputy for final determination.
  - b. If a recording is accidental in nature, the deputy shall notify his supervisor. If the recording does not meet the Volusia Sheriff's Office requirement for activation and the footage holds no law enforcement or public value for retention, the supervisor shall initiate the Administrative Review Process and recommend an abbreviated retention period.
  - c. If a recording is related to a court order, citizen's complaint, or potential/pending legal issue, the recording may be kept for an additional period of time.
  - d. For recordings that require a retention period other than the standard 180 days, the Division Chief, or designee shall document the request via interoffice memorandum to the Information Technology Section.
9. **TRAINING & OFFICE OF PUBLIC AFFAIRS AND MEDIA RELATIONS**
  - a. Training staff may digitally copy any incident contained on digital media specifically for training purposes with authorized permission from the Chief Deputy, or his designee.
  - b. The Office of Public Affairs and Media Relations may also access BWC recordings as necessary to provide accurate, timely release of public information. BWC recordings related to Volusia Sheriff's Office initiated community interest stories may also be released in coordination with the respective deputy (ies); notification shall be made by the Office of Public Affairs and Media Relations via office email.

## **O. INFORMATION TECHNOLOGY SECTION AND RECORDS SECTION**

1. The Information Technology Section shall perform routine audits of the BWC system to ensure it is properly transferring data from the devices to the Short Term Storage including the correct metadata. The Information Technology Section shall ensure the proper retention of BWC video recordings contained in the Short Term Storage in accordance with this general order.
2. The Information Technology Section shall perform routine audits of the Long Term Storage and facilitate the timely disposal of BWC video recordings contained in the Long Term Storage that have surpassed the record retention period and have no further evidentiary or administrative value in accordance with general order 84.2 Digital Evidence Management System (DEMS).
3. The Information Technology Section shall monitor adherence to procedures used for the control of BWC video storage and make recommendations for any policy changes and training if needed.
4. The Records Section shall operate in conjunction with the Office of Public Affairs and Media Relations and the Information Technology Section to fulfill all public record requests for BWC video recordings.
  - a. The Records Section shall be responsible for coordinating all public record requests for BWC video recordings to include verifying the case status and disposition meet the requirements as defined in Florida Public Records Statutes, Fla. Stat. Ch. § 119.
  - b. Upon verification that a BWC public record request is not exempt based upon the case status or disposition, the Records Section shall process the request.
  - c. The Records Section shall make a copy of the requested BWC video recordings, and if necessary, redact any exempt video or audio footage in accordance with Florida Public Records Statutes, Fla. Stat. Ch. § 119.
  - d. The Records Section shall provide the requestor with the BWC video recordings associated with the public record request.

## VI. FORMS

- [VSO Auto/Incident Report, VSO Form # 012114.001](#)