

# WINDERMERE POLICE DEPARTMENT

GENERAL ORDER – ON-BODY RECORDING SYSTEMS (OBRS)



<b>Effective Date:</b> January 6, 2015	<input type="checkbox"/> Rescinds <input checked="" type="checkbox"/> Amends 17.2 October 20, 2014	<b>Number:</b> 17.2
<b>SUBJECT:</b> On-Body Recording Systems (OBRS)		<b>Print Date:</b> 01/06/15
<b>Distribution:</b> All Personnel	<b>Accreditation Standards:</b>	

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

## 1. Purpose

Establish a policy regarding the use of On-Body Recording Systems (OBRS) by members of the police department, and the storage, release, and retention of OBRS audio/video (A/V) files maintained in department approved storage devices.

## 2. Policy

The Windermere Police Department is committed to protecting the constitutional rights of all people. In pursuit of our mission, we recognize the benefit of employing equipment and technology that will assist us in our ethical, legal and moral obligation to identify, collect and preserve the very best evidence. As such, we have chosen to implement the use of OBRS as a means of attaining this goal. We believe the implementation of OBRS will significantly assist our agency in obtaining a higher degree of transparency and enhanced accountability to the community we serve and protect.

## 3. Definitions

- A. Audio/Video Files (A/V) – Refers to the audio and/or video digital recordings taken as a result of the activation of the OBRS.

- B. Buffering – A thirty second period preceding the officer’s manual activation of an OBRS.
- C. EVIDENCE.com™ – An online cloud-based storage platform that stores digital audio/video recordings in a secure and encrypted manner. It provides a front-end portal to manage data, share data, and appropriately document recordings.
- D. On-Body Recording Systems Coordinator – The individual appointed by the Chief of Police to serve as the administrator of the On-body Recording System, and who is responsible for the oversight, maintenance, management and training of the OBRS. This individual serves as a liaison to the Office of the State Attorney for related evidence from these systems and manages the retention of recordings.
- E. On-Body Recording System (OBRS) – A device that includes a camera and recorder that allows officers to audio/video record live incidents of any law enforcement encounter.
- F. Original Files – Downloaded A/V files placed into Windermere Police Department evidence for the purpose of future court proceedings.

#### **4. Procedures**

- A. On-Body Recording Systems equipment issued to an officer of the department is the responsibility of that officer. The OBRS equipment will be operated according to manufacturer’s recommendations and department regulations.
  - 1. All officers while on patrol shall wear the OBRS unit. Officers working in an off-duty capacity shall wear the OBRS unit when one is available for use. Primary patrol units shall have priority when assigning units.
  - 2. Prior to leaving their assigned duty station, officers are required to ensure their OBRS unit is working properly and that the date and time are accurate.
    - a. The officer will check the OBRS by conducting a brief recording of his or her name, date and time.
    - b. After recording, the officer will review the video to verify the audio/video test recorded properly.
    - c. Officers will immediately notify a supervisor if any problems with the OBRS are detected or the system is not functioning properly.

- d. Officers will ensure all previous recordings have been downloaded and they are beginning their shift with a cleared system.
  - e. Officers will ensure they begin their shift with a completely charged power source for their assigned OBRS.
  - f. If during an officer's tour of duty, any portion of the OBRS malfunctions, the officer will immediately notify a supervisor of same.
  - g. Officers will inform a supervisor of any recorded sequences that may be of value for training purposes.
3. The OBRS should provide an A/V recording of an incident that most closely resembles a view of the incident comparable to the officer's perspective. Several mounting options are available (e.g., epaulette mount, head mount, 360° view, etc.).
4. Officers shall use the OBRS unit to record the incidents listed below. In all situations, tactical and officer safety considerations are always paramount before physical OBRS activations.
- a. Responding to calls for service in an emergency status.
  - b. All traffic pursuits and all foot pursuits.
  - c. All traffic stops, including the investigation of a vehicle and occupants already stopped or parked.
  - d. All requests for searches and deployments of drug-detection canines involving vehicles, when practical.
  - e. All arrests and/or citations. The OBRS should be left on until the arrestee is safely secured inside the patrol vehicle and the situation is calmed. Officers have discretion to keep the camera on at all times if they choose.
  - f. Any incident where an officer is acting in an official law enforcement capacity and it may become necessary for the officer to invoke his or her authority as a law enforcement officer.
    - 1. Consideration should be given whether or not to record incidents of a sensitive nature to include, but not limited

to, interviewing victims of crimes, situations involving minors, and recording the interior of a victim's residence, etc.

2. It is recommended that officers make victims aware of the presence and/or recording of an OBRS prior to such interviews.
- g. Any incident upon direction from a supervisor or at the request of another police officer.
- h. Officers will use only department issued OBRS to record official department activities. All duty related recordings of any police department activity are the property of the Windermere Police Department.
- i. Nothing in this procedure shall prohibit an officer from activating their OBRS whenever the officer deems the use of an OBRS appropriate.
- j. The OBRS equipment may be manually deactivated during non-enforcement activities such as protecting an accident scene from other vehicular traffic or during personal time (e.g., when an officer may need to use restroom facilities).

B. On-Body Recording Systems Control and Management

1. On-Body Recording Systems units will be stored at the officer's place of assignment.
2. On-Body Recording Systems will be assigned by the OBRS Coordinator.
3. All original OBRS recordings shall be categorized after each incident and downloaded at the end of an officer's shift.
4. On-Body Recording Systems contents shall be stored and deleted in accordance with local, state, and federal guidelines in addition to the Windermere Police Department's established records retention schedule as noted in EVIDENCE.com™.
  - a. Categories marked for manual deletion shall only be deleted with approval from the Chief of Police.

- b. On-Body Recording Systems contents will be downloaded only in department approved storage devices.
  - 5. Spare OBRS units are to be used when regularly assigned units are deemed to be malfunctioning and/or inoperable.
  - 6. One spare unit will be made available to managers and/or reserve officers to check out as needed.
- C. Audio/Video File Control and Management
  - 1. Audio/Video files will be retained only in department approved storage devices.
  - 2. Supervisory access to officers' A/V files is restricted to viewing, downloading, sharing and reassigning only. Supervisors do not have the ability to edit A/V files.
    - a. Command Staff members can designate a non-supervisory person to have access to A/V files as deemed necessary.
    - b. Command Staff members will notify the chain of command of any such approvals.
- D. Court and Evidentiary Audio/Video Files
  - 1. When A/V files are to be held for court and/or evidentiary purposes, the officer or supervisor will complete department approved documentation to include a Property and Evidence form and submit the documentation before the end of their shift.
    - a. One duplicate of the A/V file will be made and processed as normal evidentiary material in accordance with department procedure for property and evidence.
    - b. One duplicate shall be attached to the case package to be sent to the Office of the State Attorney.
  - 2. Anytime an OBRS has captured a vehicle crash in which an officer is involved, the supervisor shall complete a memorandum indicating an A/V recording of the vehicle crash exists. The supervisor shall include a narrative detailing the incident.

3. Anytime an OBRS unit has recorded an arrest of an individual or any incident of evidentiary value submitted to the Office of the State Attorney, all reports shall indicate that an A/V recorded file of the arrest/incident exists and the Office of the State Attorney shall be so notified. The officer shall review the A/V footage for accuracy. The following verbiage shall be included in those documents: ***“The incident was recorded utilizing an agency owned body camera system. The video was downloaded and placed into Windermere Police Department Evidence pursuant to policy. I have reviewed the video which is a fair and accurate representation of the events that took place. A copy of the video is attached to the final report.”***
  - a. If for some reason the entire incident or portion thereof is not captured, officers shall articulate that in their report (e.g., suspect’s actions did not allow for immediate OBRS activation, tactical or administrative review, etc.).

E. Request for Copies and/or Access to Audio/Video Files

1. All lawful requests for any copy of an existing A/V file will be honored according to department approved protocol for the release of information and in compliance with F.S. 119.
2. Requests for copies of A/V files from within the police department must be submitted according to department approved procedures regulating same.
  - a. Original A/V files must be downloaded and submitted into evidence. The normal chain of custody procedures will be followed.
    1. Audio/Video files released to another individual, another department or another entity will be copied from EVIDENCE.com™.
    2. Audio/Video files may be sent via electronic mail to view upon approval of a Command Staff member or the OBRS Coordinator.
3. Requests from outside the agency must be accepted by any member of the organization and processed according to department procedure. All

files will be released according to department procedure and in compliance with F.S. 119.

- a. When a public records request for an A/V file is made from outside of the department, a notation will be completed in the public records log maintained by the Records Custodian. The Records Custodian shall notify the supervisor who will ensure the A/V file is retained.

F. Supervisory Responsibilities

1. Supervisors will follow established procedures for the use and maintenance of OBRS equipment, files, and storage devices. Supervisors are responsible for the completion of all required OBRS documentation.
2. Supervisors are responsible for ensuring that all personnel assigned to their unit have downloaded their OBRS equipment at the end of their shift and that OBRS equipment has been accounted for in compliance with department procedure.
3. Supervisors will review the A/V files of all OBRS equipment of all officers listed in any department report, or any officer who was present at any of the following incidents involving:
  - a. Injury to prisoners
  - b. Response to resistance
  - c. Injury to officers
  - d. Vehicle pursuits
  - e. Response to Signal 43 (emergency backup to another officer)
  - f. Citizen complaints
  - g. Anytime it is deemed appropriate to review A/V recordings or as directed by the Deputy Chief or Chief of Police
4. All reports submitted that are related to the above incidents shall include a copy of the A/V file of all officers involved or present at the incident.

5. Each week the supervisor will randomly select two (2) A/V files to review in their entirety. These reviews will be conducted for training and integrity purposes.
  - a. As part of their random selection, supervisors will not include the review of any incident which was reviewed in accordance with (4)(F)(3)(a-g).
  - b. Supervisors will conduct periodic and random inspections of OBRS equipment to confirm it is in proper working order.
6. The Deputy Chief will ensure:
  - a. A quarterly audit of the OBRS log and storage device is conducted. The Deputy Chief will also ensure all OBRS units are accounted for and immediately report any discrepancies to the Chief of Police.
  - b. Damaged or nonfunctional OBRS equipment is tracked and submitted for repair.
  - c. Supervisors are conducting random audits via the tracking system made available.
- G. Maintenance, Repair, and Replacement of OBRS Equipment
  1. All malfunctioning OBRS equipment shall be submitted to the OBRS Coordinator for service repair.



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Chief David A. Ogden