

**NEW SMYRNA BEACH POLICE DEPARTMENT  
NEW SMYRNA BEACH, FLORIDA**

**POLICY AND PROCEDURE DIRECTIVE**

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**TITLE:** BODY WORN CAMERAS (BWC)

**NUMBER:** 32-2

**EFFECTIVE:** 6/16

**REFERENCE:**

**RESCINDS/ AMENDS:** 6-9-12

**REVISED:** 09/23

**ATTACHMENTS:** [Constitution of the State Of Florida, Article 1, Section 24\(a\), House Bill \(HB\) 93 \(2016\)](#)  
[FSS 943.1718.html](#), [FSS 934.03.html](#), [FSS 810.145.html](#), [FSS 119.07.html](#)

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**A. PURPOSE**

This directive is intended to provide officers with guidelines on when and how to use body-worn cameras so that officers may reliably record contacts with the public. Additionally, recordings will provide;

- Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents for the enhancement of officer reports, collection of evidence, and court testimony.
- The enhancement of this Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training.

**B. POLICY**

It is the policy of the New Smyrna Beach Police Department that officers shall activate the body worn camera when such use is appropriate to the proper performance of their official duties, and where the recordings are consistent with this policy and current law. BWC's will not be worn to/from an officer's home with the following exceptions:

- Staff Officers;
- On-call Investigators;
- Youth/School Safety Officers;
- K9 Unit;
- Task Force Officers.

Officers who are authorized to take their cameras home are required to download all videos prior to the end of their shift. Additionally, they are required to ensure that their BWC's are properly charged before their next working day.

Voice capture is authorized and will be conducted in accordance with [FSS 934.03\(2\)\(c\)](#). Video capture is authorized by [FSS 810.145\(5\)\(a\)](#).

Additionally, it is the policy of the police department to record citizen contacts with body worn cameras when officers have been dispatched to calls for service or during self-initiated activity when enforcement action is likely or anticipated. Examples include but not limited to;

- Traffic Stops
- DUI investigations

- Pursuits (vehicle and/ or foot)
- Field interviews
- Flag down

This policy applies to officers working their scheduled tours of duty, overtime duty, and while working an extra duty detail.

Minimally, and in accordance with [FSS 943.1718](#), the Support Services Division Commanding Officer shall conduct a periodic review of body camera practices to ensure compliance with agency policies and procedures to include:

- Body Worn Camera Policy;
- Evidence Policy; and
- Applicable Public Records law.
- The review shall be in writing and forwarded to the Chief of Police and accreditation.

## C. DEFINITIONS

**AUDIO RECORDING:** Electronic recording of conversation or other spoken words.

**BODY WORN CAMERA (BWC):** A portable electronic recording device that is worn on a law enforcement officer's body and that records audio and video data in the course of the officer performing their official duties and responsibilities.

**BUFFERING MODE OR STANDBY MODE:** The body worn camera is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record video for a programmed loop time up to two minutes.

**EVENT MODE:** When the Event button on the body worn camera is activated and the camera is recording both audio and video. The buffered video (no audio) captured directly before the event will be saved and attached to the event in permanent memory. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments

**EVIDENCE.COM:** An online, web-based digital media storage medium that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The recordings are accessible to authorized personnel based upon a secure log in.

**EVIDENCE TRANSFER MANAGER (ETM):** A docking station that simultaneously recharges the device and uploads all data captured to Evidence.com. The ETM ensures that the evidence handling is secure and not altered.

**METADATA:** Case numbers, incident numbers, and other descriptors used to identify digital evidence.

**RECORDED MEDIA:** Any storage device that has the ability to store video, audio and/or electronic files or data.

**SYSTEM ADMINISTRATOR:** Evidence.com system administrator with full access to user rights who assigns and tracks equipment, controls passwords, and acts as liaison with the BWC manufacturer representative.

**VIDEO RECORDING:** Electronic recording of visual images with or without audio.

## D. PROCEDURE

**32.2.1** When beginning their tour of duty, officers will inspect their BWC. Officers will also view the video live feed, via the Axon View mobile application, to ensure the BWC is properly working.

1. If an officer's camera is not operational, the officer will utilize a spare camera that will be available until their camera is repaired or replaced.

2. Units that malfunction or become inoperable during their tour of duty will be reported to the on-duty supervisor as soon as practical.
3. Cameras shall be affixed in accordance with camera design and training.
4. Officers are responsible for the proper care and use of body worn cameras.

**32.2.2** Only department issued BWC's will be used by officers. All data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency. Additionally, officers;

1. Shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior authorization and approval of the Chief of Police.
2. Requests for deletion of portions of the recording (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police. All requests and final decisions shall be kept on file in accordance with the state's public retention schedule.
3. Officers are encouraged to inform their supervisors of any recording that may be of value for training purposes.

**32.2.3** The policy of the New Smyrna Beach Police Department is to record citizen contacts when officers have been dispatched to calls for service or during self-initiated activity when enforcement action is likely or anticipated.

**32.2.4** The BWC shall be activated when a call for service is dispatched and/or when self-initiated action is being taken and shall remain on until the event/contact is concluded.

1. Civilians shall not be permitted to review the recordings at the scene.
2. If an officer fails to activate the BWC, fails to record the entire event/contact, interrupts the recording, or activates the mute function, the officer shall document the reason the recording was not made, was interrupted, or was terminated.
  - As appropriate, the documentation shall be made in the incident report, arrest report, charging affidavit, or CAD.

**32.2.5** Officers shall note in the appropriate report(s), incident, arrest, Blue Team, citation, when recordings were made during the event in question.

**32.2.6** When not in use, the BWC devices will be stored in the designated Evidence Transfer Manager (ETM). Officers will ensure the BWC is properly seated into the ETM to allow for proper downloading, charging, and updating.

**32.2.7** In accordance with [FSS 943.1718](#) an officer upon their own initiative or upon request may review their own recorded footage of any event before writing a report or providing any statement regarding any event arising within the scope of their official duties. The above does not apply when an officer has an inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

**32.2.8** Members may not review a BWC recorded video of another member via Evidence.com, without the approval of their Division Commanding Officer. Exceptions include:

1. Sworn personnel with the rank of Corporal and above. Corporals and Sergeants may only view footage for employees they supervise;
2. Sworn personnel in the Training Department, for training purposes;
3. Detectives and Crime Analysts, for cases they are assigned or assisting with;
4. Community Outreach Unit Personnel, for assigned cases;
5. Records Personnel, for public record redaction.

If a member utilizes one of the exceptions to watch the video of another member, the member must justify their reason for viewing the video in the notes section of Evidence.com.

### **32.2.9** Public Records Request

1. Body worn camera recordings or a portion thereof, is confidential and exempt for [FSS 119.07\(1\)](#) and [Section 24\(a\), Article 1 of the State Constitution](#) if the recording:
  - Is taken within the interior of a private residence;
  - Is taken within the interior of a facility that offers health care, mental health care, or social services;  
*or*
  - Is taken in a place that a reasonable person would expect to be private.
2. The agency may disclose a body camera recording in furtherance of its official duties and responsibilities and may also disclose the recording to another governmental agency in the furtherance of its official duties and responsibilities.

### **32.2.10** Public Records/Media Release Request via Records Section

1. Public records request for BWC recordings will be coordinated via the Records Section.
2. Records Section staff member will obtain the BWC recording and review and redact it (if required) pursuant to Florida Law, administrative rules or code, and/ or policy and procedure.
3. Prior to release, the redacted BWC recording shall be reviewed by the Records Section Supervisor, or authorized designee, and may be reviewed by the city attorney, when appropriate.
4. For news media releases, the Records Section Supervisor will consult with the city attorney prior to release.

**32.2.11** BWC's shall not be used to record personal activity or intentionally activated to record conversations of fellow employees without their knowledge while engaged in non-enforcement related activities.

**32.2.12** BWC's shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between an officer and a member of the public.

## **E. SUBMISSION & RETENTION**

**32.2.13** Recordings will be downloaded to the appropriate server before the officer's tour of duty ends. Evidence submissions shall be documented in accordance with the department's evidence policy.

**32.2.14** Recordings will be labeled as follows:

1. ID: The ID will be the nine digit case number or MobileComm assigned P number if no case number is utilized.
  - The case number will be entered as nine digits, with no spaces or dashes, in the following format: 160800999 (two (2) digit year, two (2) digit month, five (5) digit case specific number.)
  - The P number will be entered with no spaces or dashes
  - If the event does not have a case or CAD number assigned, leave the field blank
2. Category: Disposition of call; Officers will select the appropriate dropdown selection. It should be noted that if an officer uses a restricted drop down label, they may not be able to access the video.
3. Title: This is the type of call and should match the nomenclature in MobileComm. The officer should use the nomenclature from MobileComm, not the included abbreviation.
4. Owner: Officers will ensure their name is in this section. The officer's name will be entered using the following format; last name, first name.
5. If there are multiple videos from one officer for a single event, the video's title should include the appropriate segment number in parenthesis at the end of the title. The earliest recorded segment should be listed as segment 1. Segments should be numbered in numerical order of when they were recorded. ie: Hit&Run MVA (1).

**32.2.15** Recordings will be retained as follows:

1. The NSBPD will retain all BWC recordings for a minimum of 120 days, however any recordings made in error (accidental) may be deleted immediately.
2. When notified by the SA's office that the video may be disposed of.

## **F. AXON MOBILE SOFTWARE**

**32.2.16** AXON® View is a free software application for iOS and Android smart devices (such as iPhone and iPad devices, and multimedia players) that allows an officer to play back and view video from the AXON camera and add identifying information such as ID, title, and category to the footage.

1. Although the software permits the adding of commentary, officers are restricted from using this feature. For agency purposes, any added commentary after the recording has been captured would be considered altering the video.
2. The installation of the software and the use of a personal device is permitted as a convenience for officers that are equipped with a BWC, and is not mandated by the Police Department.

**32.2.17** The AXON® View application can stream video from the AXON camera to your smart device. However, the application is not able to save video to your smart device. Furthermore, your smart device cannot delete or alter original video that is stored on an AXON camera. A smart device disconnected from its paired AXON camera will not be able to play any video from the camera. Also, video removed from an AXON camera cannot be streamed through a smart device, whether the smart device is paired with the AXON camera or not.

**32.2.18** Axon® Capture is built specifically for law enforcement and allows officers to capture digital evidence right from the field. Evidence is automatically tagged with GPS locations, and metadata is synced to the Axon Evidence (Evidence.com) profile.

## **G. SUPERVISORY RESPONSIBILITIES**

**32.2.19** Supervisors will ensure that officers are utilizing the BWC's in accordance with policy. Periodically, supervisors will;

1. Randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices in accordance with this directive and [FSS 943.1718](#). It is not the intent of the Department to review recordings for the purpose of general performance review, for normal preparation of performance evaluations, or to discover policy violations.

**32.2.20** Supervisors will review recordings of incidents involving:

1. Injury to a member;
2. Injury to detainee(s);
3. Response to resistance;
4. When an officer intentionally or unintentionally discharges a firearm at a person regardless of whether an individual is struck;
5. Vehicle pursuits;
6. Member involved vehicle crashes;
7. Citizen complaints;
8. Documented internal complaints;
9. As directed by the Chief of Police or designee.

**32.2.21** System Administrator

The IT Director is the designated Systems Administrator for Evidence.com who primarily maintains full access to user rights, assigns and tracks equipment, controls passwords, and acts as liaison with the BWC manufacturer

representative.

**32.2.22** Annual Review

The Support Services Commanding Officer shall perform an annual review of the agency's body camera practices to ensure conformity with the agency's policies, procedures and Accreditation Standards.

**H. TRAINING**

**32.2.23** In accordance with [FSS 943.1718](#), department members that use, maintain, store, or release audio or video data recorded by body cameras shall be trained in their proper use and the policies and procedures delineated herein. Members requiring training includes:

1. Supervisors;
2. Officers;
3. Evidence; and
4. Records personnel if they will be releasing body camera audio/ video.

**32.2.24** Training shall be documented.

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**Revised: BSS 09/23**

**Approved: Signature on File  
Chief Eric Feldman**