MEMORANDUM

Agenda Item No. 8(I)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	June 2, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing the County Mayor to advertise a request for proposals (RFP-00168) to purchase body worn cameras and video management solution for Miami-Dade County; preserving County Mayor's delegated authority under section 2-8.1 of the County Code including the authority to issue addenda as necessary during advertisement period; and directing County Mayor to include in memorandum to the Board recommending award description of addenda, if any

This item was amended from the original version as stated in the County Mayor's memorandum.

The accompanying resolution was prepared by Miami-Dade Police Department and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Audrey M. Edmonson and Commissioner Sally A. Heyman.

for

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: June 2, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the County Mayor to Advertise a Request for Proposal (RFP-00168) to Purchase Body-Worn Cameras and Video Management Solution for Miami-Dade County

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This item was amended at the May 13, 2015 meeting of the Metropolitan Services Committee to include specifications in the RFP that would require the selected vendor, at the request of the County, to collect data available in the vendor's Body Worn Camera and Video Management Storage Solution that are responsive to public records requests directed to the County at a cost to the County that does not exceed the costs permitted under the Florida Public Records Act for collecting records.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the advertisement of a Request for Proposals (RFP) for body worn cameras and a video management solution (Attachment 1). The Internal Services, Police, and the Information Technology Departments have worked closely to draft a competitive solicitation that has been reviewed by the County Attorney's Office.

The solicitation requests proposals from qualified vendors to provide a commercially available, turnkey, cloud-based Body Worn Camera (BWC) and Video Management Solution (VM Solution) that shall capture video from a law enforcement officer's perspective and store the recorded video to a secure hosted website, or secure local storage solution. The solicitation includes the provision of all body worn camera devices, cables, components, as well as all necessary software, hardware, peripherals and associated cabling and devices. The vendor will install, configure, implement, and train staff on the use of the body worn cameras and video management storage solution and provide maintenance and technical support services throughout the contract term.

The scope of services for this solicitation was posted for industry comment on October 2, 2014 for a period of two (2) weeks, and a revised version was posted on November 12, 2014 for another two (2) week period. Upon approval and incorporation of any recommended changes/edits by the Board, the solicitation shall be released for advertisement. Award will be made to a responsive, responsible vendor based on the best value to the County. The draft solicitation has been reviewed and approved by Internal Services, Police, and Information Technology Departments. Any award recommendation resulting from the RFP process will be presented to the Board for approval. Pursuant to the solicitation, the County anticipates awarding a contract for an initial five (5) year period, with three (3) five-year (5) options to renew at the County's sole discretion.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the proposed 60 month term is up to $5,000,000. There is no current contract for these services.

Department	Allocation	Funding Source	Contract Manager
Police	$5,000,000	General Fund and Impact Fees	Gustavo Duarte
Total	**$5,000,000**		

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority advertise the solicitation and to exercise all provisions of the solicitation document pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38, including the Mayor's authority to issue addenda as necessary to address issues that may arise during the period the RFP is advertised.

Track Record/Monitor

Melissa Adames, Procurement Contracting Manager and Santiago Pastoriza, Procurement Contracting Officer within ISD will manage the solicitation.

Applicable Ordinances and Contract Measures

- The two (2) percent User Access Program provision is applicable where permitted by the funding source.
- The Small Business Enterprise Selection Factor will be applicable.
- The Living Wage Ordinance does not apply.
- The Local Preference Ordinance will be applicable.

Background

On December 2, 2014, the Board adopted Resolution 1078-14 directing the Mayor to conduct a study and prepare a report on the benefits and concerns associated with police officer BWC. In addition, the study was to be conducted in consultation with the Police Benevolent Association (PBA).

In the Fall of 2012, I directed MDPD Director J.D. Patterson to study the utilization of BWC for patrol officers. Under my direction, Director Patterson and his staff have reviewed numerous publications and studies, conducted market research to include a 30-day testing cycle with different BWC providers, and have made contact with other local, state, out-of-state police departments, Miami-Dade State Attorney's Office, Miami-Dade Public Defender's Office, the American Civil Liberties Union of Florida and the PBA. Since the beginning of this calendar year, MDPD has been working with the PBA in developing policies outlining the use and management of BWC for MDPD police officers. During calendar year 2015, MDPD and the PBA have met to discuss this matter on the following dates: January 5, January 28, March 12, April 24, and May 4. On May 4, MDPD and PBA held their last meeting regarding retention and public release policies pending the outcome of this year's legislative session. MDPD has compiled the documents enclosed in Attachment #2 for your review.

The 2015 Florida Legislature has also been actively moving two (2) bills creating public records exemption legislation and BWC policies. SB248 – Police Body Camera Public Records Exemption – contains three (3) public records exemptions. SB248 passed the full Senate on April 22, 2015 and passed the full House on April 24, 2015. SB248 is now scheduled to be signed by the Governor.

SB7080/HB57 – Police Body Camera Policy/Two Party Consent – would create a new section of the statute requiring law enforcement agencies that permit law enforcement officers to wear body cameras to develop certain policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. HB57 also exempts body camera recordings from the requirements of Chapter 934 related to two-party consent for recording. This exemption allows law enforcement officers to wear body cameras during patrol duties without having to inform each individual which they make contact that they are being recorded. This bill passed the full House on April 24, 2015; however, the companion bill, SB7080, did not pass in the Senate, therefore the bill will not become law unless the Senate is able to take up the bill during a special session.

I continue my commitment to this Board in ensuring that we work together in successfully implementing a BWC policy that not only protects the lives our law enforcement officers, but also protects our citizens.

Russell Benford
Deputy Mayor

Attachment #1 – Draft RFP No. 00168 for a Body-Worn Cameras and Video Management Solution
Attachment #2 – Miami-Dade Police Department Body-Worn Camera System

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 2, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(I)(1)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(I)(1)
6-2-15

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS (RFP-00168) TO PURCHASE BODY WORN CAMERAS AND VIDEO MANAGEMENT SOLUTION FOR MIAMI-DADE COUNTY; PRESERVING COUNTY MAYOR'S DELEGATED AUTHORITY UNDER SECTION 2-8.1 OF THE COUNTY CODE INCLUDING THE AUTHORITY TO ISSUE ADDENDA AS NECESSARY DURING ADVERTISEMENT PERIOD; AND DIRECTING COUNTY MAYOR TO INCLUDE IN MEMORANDUM TO THE BOARD RECOMMENDING AWARD DESCRIPTION OF ADDENDA, IF ANY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Mayor or County Mayor's designee to advertise a Request for Proposals (RFP-00168), in substantially the form attached hereto as Attachment 1, to invite proposals from qualified proposers to purchase body-worn cameras and video management solution for Miami-Dade County. The County Mayor is authorized to exercise all delegated authority under Section 2-8.1 of the County Code, including the County Mayor's authority to issue addenda as necessary to address issues that may arise during the period the RFP is advertised. The County Mayor shall include in the memorandum to the Board recommending award, what addenda, if any, were issued.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez

This document is a draft of a planned solicitation and is subject to change without notice.

REQUEST FOR PROPOSALS (RFP) No. RFP-00168
FOR A
BODY WORN CAMERAS AND VIDEO MANAGEMENT SOLUTION

ISSUED BY MIAMI-DADE COUNTY:
Internal Services Department, Procurement Management Services Division
for the
Miami-Dade Police Department

COUNTY CONTACT FOR THIS SOLICITATION:

Santiago Pastoriza, Procurement Contracting Officer
111 NW 1st Street, Suite 1300, Miami, Florida 33128
Telephone: (305) 375-1084
E-mail: spastor@miamidade.gov

PROPOSAL RESPONSES DUE:
INSERT DATE AND TIME

Electronic proposal responses to this RFP are to be submitted through a secure mailbox at BidSync until the date and time as indicated in this document. It is the sole responsibility of the Proposer to ensure its proposal reaches BidSync before the Solicitation closing date and time. There is no cost to the Proposer to submit a proposal in response to a Miami-Dade County solicitation via BidSync. Electronic proposal submissions may require the uploading of electronic attachments. The submission of attachments containing embedded documents or proprietary file extensions is prohibited. All documents should be attached as separate files. All proposals received and time stamped through the County's third party partner, BidSync, prior to the proposal submittal deadline shall be accepted as timely submitted. The circumstances surrounding all proposals received and time stamped after the proposal submittal deadline will be evaluated by the procuring department in consultation with the County Attorney's Office to determine whether the proposal will be accepted as timely. Proposals will be opened promptly at the time and date specified. The responsibility for submitting a proposal on or before the stated time and date is solely and strictly the responsibility of the Proposer. The County will in no way be responsible for delays caused by technical difficulty or caused by any other occurrence. All expenses involved with the preparation and submission of proposals to the County, or any work performed in connection therewith, shall be borne by the Proposer(s).

A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. The County will only consider the latest version of the proposal. For competitive bidding opportunities available, please visit the County's Internal Services Department website at: http://www.miamidade.gov/procurement/.

Requests for additional information or inquiries must be made in writing and submitted using the question/answer feature provided by BidSync at www.bidsync.com. The County will issue responses to inquiries and any changes to this Solicitation it deems necessary in written addenda issued prior to the proposal due date **(see addendum section of BidSync Site)**. Proposers who obtain copies of this Solicitation from sources other than through BidSync risk the possibility of not receiving addenda and are solely responsible for those risks.

1.0 PROJECT OVERVIEW AND GENERAL TERMS AND CONDITIONS

1.1 Introduction

Miami-Dade County, hereinafter referred to as the "County", as represented by the Miami-Dade Police Department, is soliciting proposals from qualified firms to provide a turnkey, cloud based Body Worn Camera and Video Management Solution (Solution) that shall be able to capture video from a law enforcement officer's perspective and store the recorded video to a secure hosted website.

Proposers shall be required to provide all body worn cameras, associated video management software, hosted storage of body-worn video, configuration, implementation, training services, and ongoing maintenance support services. The successful Proposer will be required to install, configure, implement, and train staff on the use of the body worn camera and video management solution and provide maintenance and technical support services throughout the resultant contract term.

The County anticipates awarding a contract for an initial five year period, with three five-year options to renew at the County's sole discretion.

The anticipated schedule for this Solicitation is as follows:

Solicitation Issued:	To Be Announced (TBA)
Pre-Proposal Question Period:	TBA
Proposal Due Date:	See front cover for date and time.
Evaluation Process:	Anticipated to begin the week of TBA
Projected Award Date:	TBA

1.2 Definitions

The following words and expressions used in this Solicitation shall be construed as follows, except when it is clear from the context that another meaning is intended:

1. The word "Contractor" to mean the Proposer that receives any award of a contract from the County as a result of this Solicitation, also to be known as "the prime Contractor".
2. The word "County" to mean Miami-Dade County, a political subdivision of the State of Florida.
3. The word "Proposal" to mean the properly signed and completed written submission in response to this solicitation by a Proposer for the Services, and as amended or modified through negotiations.
4. The word "Proposer" to mean the person, firm, entity or organization, as stated on the Solicitation Submittal Form, submitting a response to this Solicitation.
5. The words "Scope of Services" to mean Section 2.0 of this Solicitation, which details the work to be performed by the Contractor.
6. The word "Solicitation" to mean this Request for Proposals (RFP) or Request for Qualifications (RFQ) document, and all associated addenda and attachments.
7. The word "Subcontractor" to mean any person, firm, entity or organization, other than the employees of the Contractor, who contracts with the Contractor to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Contractor.
8. The words "Work", "Services", "Program", or "Project" to mean all matters and things that will be required to be done by the Contractor in accordance with the Scope of Services and the terms and conditions of this Solicitation.
9. The words "Should", "Will", "Can" to mean desirable features, but not mandatory requirements.
10. The word "BWC" to mean Body Worn Camera devices.
11. The word "VMS" to mean Video Management Solution.
12. The word "MDPD" to mean the Miami-Dade Police Department.
13. The word "Solution" to mean Body Worn Camera and Video Management Storage Solution.

DRAFT

1.3 General Proposal Information

The County may, at its sole and absolute discretion, reject any and all or parts of any or all responses; accept parts of any and all responses; further negotiate project scope and fees; postpone or cancel at any time this Solicitation process; or waive any irregularities in this Solicitation or in the responses received as a result of this process. In the event that a Proposer wishes to take an exception to any of the terms of this Solicitation, the Proposer shall clearly indicate the exception in its proposal. No exception shall be taken where the Solicitation specifically states that exceptions may not be taken. Further, no exception shall be allowed that, in the County's sole discretion, constitutes a material deviation from the requirements of the Solicitation. Proposals taking such exceptions may, in the County's sole discretion, be deemed nonresponsive. The County reserves the right to request and evaluate additional information from any respondent regarding respondent's responsibility after the submission deadline as the County deems necessary.

The submittal of a proposal by a Proposer will be considered a good faith commitment by the Proposer to negotiate a contract with the County in substantially similar terms to the proposal offered and, if successful in the process set forth in this Solicitation and subject to its conditions, to enter into a contract substantially in the terms herein. Proposals shall be irrevocable until contract award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date or upon the expiration of 180 calendar days after the opening of proposals.

Proposers are hereby notified that all information submitted as part of, or in support of proposals will be available for public inspection after opening of proposals, in compliance with Chapter 119, Florida Statutes, popularly known as the "Public Record Law". The Proposer shall not submit any information in response to this Solicitation which the Proposer considers to be a trade secret, proprietary or confidential. The submission of any information to the County in connection with this Solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to Proposer. In the event that the Proposer submits information to the County in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential, the County may, in its sole discretion, either (a) communicate with the Proposer in writing in an effort to obtain the Proposer's written withdrawal of the confidentiality restriction or (b) endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. Under no circumstances shall the County request the withdrawal of the confidentiality restriction if such communication would in the County's sole discretion give to such Proposer a competitive advantage over other proposers. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

Any Proposer who, at the time of proposal submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law, may be found non-responsible. To request a copy of any ordinance, resolution and/or administrative order cited in this Solicitation, the Proposer must contact the Clerk of the Board at (305) 375-5126.

1.4 Cone of Silence

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a "Cone of Silence" is imposed upon each RFP or RFQ after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding RFPs or RFQs between, among others:

- potential Proposers, service providers, lobbyists or consultants **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff, County Commissioners or their respective staffs;
- the County Commissioners or their respective staffs **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff; or
- potential Proposers, service providers, lobbyists or consultants, any member of the County's professional staff, the Mayor, County Commissioners or their respective staffs **and** any member of the respective selection committee.

The provisions do not apply to, among other communications:

- oral communications with the staff of the Vendor Assistance Unit, the responsible Procurement Agent or Contracting Officer, provided the communication is limited strictly to matters of process or procedure already contained in the solicitation document;

- oral communications at pre-proposal conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting; or
- communications in writing at any time with any county employees, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP or RFQ documents.

When the Cone of Silence is in effect, all potential vendors, service providers, bidders, lobbyists and consultants shall file a copy of any written correspondence concerning the particular RFP or RFQ with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at clerkbcc@miamidade.gov.

All requirements of the Cone of Silence policies are applicable to this Solicitation and must be adhered to. Any and all written communications regarding the Solicitation are to be submitted only to the Procurement Contracting Officer with a copy to the Clerk of the Board. The Cone of Silence shall not apply to oral communications at pre-proposal conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting or communications in writing at any time with any county employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The Proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

1.5 Communication with Selection Committee Members

Proposers are hereby notified that direct communication, written or otherwise, to Selection Committee members or the Selection Committee as a whole are expressly prohibited. Any oral communications with Selection Committee members other than as provided in Section 2-11.1 of the Miami-Dade County Code are prohibited.

1.6 Public Entity Crimes

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal for a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and, may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

1.7 Lobbyist Contingency Fees

a) In accordance with Section 2-11.1(s) of the Code of Miami-Dade County, after May, 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.

b) A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent upon the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision or recommendation of the County Mayor or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which forseeably will be heard or reviewed by the County Commission or a County board or committee.

1.8 Collusion

In accordance with Section 2-8.1.1 of the Code of Miami-Dade County, where two (2) or more related parties, as defined herein, each submit a proposal for any contract, such proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such proposals. Related parties shall mean Proposer or the principals thereof which have a direct or indirect ownership interest in another Proposer for the same contract or in which a parent company or the principals thereof of one Proposer have a direct or indirect ownership interest in another Proposer for the same contract. Proposals found to be collusive shall be rejected. Proposers

who have been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

2.0 Scope of Services

2.1 Introduction

Miami-Dade County, hereinafter referred to as the "County", as represented by the Miami-Dade Police Department (MDPD), is soliciting proposals from fully-qualified vendors to provide a commercially available, turnkey, cloud based Body Worn Camera (BWC) and Video Management Solution (VMS) that shall be able to capture video from a law enforcement officer's perspective and store the recorded video to a secure hosted website, or secure local storage solution. The body-worn digital cameras will be used throughout the County by MDPD officers and supervisors.

Proposers shall be required to provide all body worn camera devices, cables, and components along with the associated video storage management software. Proposer's body worn camera and video management storage solution should be full and complete and include, but not be limited to, all necessary software, hardware, peripherals and associated cabling and devices. The body worn camera and video management storage solution shall be scalable, flexible, and capable of providing live feed capabilities. The successful Proposer will be required to install, configure, implement, and train staff on the use of the body worn camera and video management storage solution and provide maintenance and technical support services throughout the resultant contract term.

2.2 Background

MDPD is charged with the safety of over 2.5 million residents who reside within Miami-Dade County. MDPD is responsible for promoting a safe and secure environment, with officers who are committed to high performance standards, ethical conduct, and a professional level of service that is fair to all. Currently, MDPD does not utilize BWC devices.

Implementation of the proposed BWC and associated video management storage solution will benefit the agency by allowing officers to record various situations to include but not limited to, traffic stops, sobriety tests, and interviews. It is anticipated that through the resultant term contract, MDPD will require over fifteen hundred (1,500) BWC devices for officers and supervisors use. The proposed body worn camera and video management storage solution must be capable of supporting MDPD's current needs as well as be capable of accommodating future growth.

2.3 BWC Program Requirements

The County desires a turn-key BWC that includes all hardware, software, incidentals and any other goods or services required to meet the following. The County anticipates initially purchasing 500 BWC, with two options, each to include up to 500 BWC at a later time. However, this is an estimate, and the County may increase or decrease BWC's as needed. The initial purchase will be deployed in phases according to the number of personnel assigned to the chosen District station(s).

2.4 Minimum BWC Hardware Requirements

The selected Proposer must meet or exceed the following minimum required specifications for the BWC hardware:

a) Field of view: The BWC unit must have a view of at least 70° with a maximum view of 120° (120° is the maximum allowed before warping or bending of the video image occurs.
b) Multiple mounting options: The BWC should have multiple mounting options to accommodate varying field situations (i.e. lapel, shoulder, ear, eyeglasses, and cap). A head mountable camera is desired, but MDPD is willing to consider other mounting options as long as it does not block the field of view. The view must not be obstructed when an officer has their firearm out and in the ready position.
c) Pre-event buffer: BWC must capture at least thirty (30) seconds of video (no audio) prior to officer initiating the recording.
d) Visual indicator: BWC must have a lighted indicator that shows current operating mode and battery level. Any illuminated controls or indicators should have a user option which allows them to be extinguished during a tactical/darkness situation.
e) Rechargeable battery life: BWC battery must have a minimum of twelve (12) hours of standby time.
f) Recording time: BWC must record for a minimum of 4 hours per activation to allow for lengthy interviews and investigations.

g) Internal Storage: BWC must have a minimum of 8GB of internal storage memory and store at a minimum 4 hours of video on the device.
h) Recording speed: BWC frame rate must be no less than thirty (30) frames per second.
i) Night Mode: MDPD prefers low light capability equal to 1 lux. Cameras offering night vision enhancement will not be accepted unless the user has the option to disable it. The goal is to have a camera that closely matches the capability of the human eye.
j) Video safeguards: Users must not be able to delete or edit video on the camera.
k) Video resolution: BWC must have a minimum of 640 x 480.
l) On-scene viewing: BWC must have the ability to view video on scene (in the field).
m) Configurable A/V settings: Bit rate (multiple settings to optimize file size and upload speed). Audio – on/off. Audio and video should conform to MPEG 1-4 standards.
n) Upload and charging: Battery charging and docking for file transfer is required to be a concurrent process and this process must be able to be supported simultaneously for a minimum of 250 BWC's.

2.5 Minimum VMS Requirements

The selected Proposer must meet or exceed the following minimum required specifications for the proposed VMS:

a) Solution shall be a cloud-based data storage solution with the capability of organizing/managing incidents and be accessible via the internet to multiple users simultaneously.
b) Solution must be web based and not require installation onto user's computers.
c) Solution must be scalable and flexible to handle changing needs of the County.
d) Solution shall provide enhanced user authentication with a unique username and password.
e) Solution shall allow for authorized users to be established based on various roles and permissions by the System Administrator.
f) Solution shall provide an automated method of transfer to move files from the BWC to storage system such as drop in docking station or wireless upload.
g) Solution shall provide for remote viewing of the stored video for non-technical MDPD staff as well as others based on the permissions granted by the System Administrator.
h) Authorized users should be able to search by name, date, event, device, case/incident number; as well as categorize, add case numbers, notes, etc. to each file within the Solution.
i) Authority to access stored video shall be hierarchical in nature with a log/audit trail illustrating users who have viewed and copied video to an external source (i.e. DVD / long term storage).
j) Solution software must allow officers to link and attach metadata to recordings file prior to uploading.
k) Solution must provide encryption in storage and transport, and provide security back-up of all data.
l) Solution must have controlled access to evidence with pre-defined roles and permissions, predefined individuals and passwords.
m) Administrative rights to server containing evidence must be restricted to authorized County personnel only.
n) Solution must securely store all videos and recordings in a way that only County authorized users and users authorized by MDPD can view.
o) Solution must have the ability to grant access to specific files to specific persons for a specific time period.
p) Solution must have the ability to share files internally and externally via secure links over the internet.
q) Solution must have the ability to set variable retention rules per MDPD preferences.
r) Solution should support all major digital file types. No proprietary file formats will be accepted.
s) Solution must have the ability to set time tables for automatic deletion of files with notifications prior to deletion.
t) Solution must have the ability to allow redacting of files to include deleting certain portions of file (video or audio) and blurring out particular images within a video.
u) Solution must have the ability to preserve the raw file without editing.
v) Solution must have security features that assured digital evidence will meet all standards for reliability in court.
w) Solution must have a two tier storage capability for active video and long term storage needs.
x) Solution should be redundantly backed-up. Proposers are to provide information on the firm's co-location strategy and disaster recovery and fully detail current procedures within the Proposal Submission Package.

2.6 Active and Long Term Video Storage Requirements

a) Solution storage must have the ability to download video for at least 250 camera units simultaneously.
b) Authorized users should be able to search by name, date, event, device, case/incident number, as well as categorize, add case numbers, notes, etc. to each file within the Solution.
c) Solution must maintain and be able to export audit trail along with video.
d) Solution must allow for the video to be exported in an industry standard file format. (i.e. AVI, MPEG, MP4).
e) Video storage must support a backend IP, externally hosted, based retrieval system available to multiple users. .
f) Storage solution must comply with law enforcement Criminal Justice Information Services (CJIS) data protection and transport (i.e. SSL) standards. No external initiated connections will be allowed.
g) Data storage must be co-located and have an established Disaster Recovery (DR) solution to ensure Solution reliability.
h) Upon request, the selected Proposer shall provide all data in an indexed and searchable format on an external hard drive to MDPD.
i) Solution must allow the System Administrator to control the length of retention of videos.
j) Storage capacity shall be based on a loose estimate of 32,000 hours of recorded video per year.
k) Recordings from body camera must be retained for at least 90 days per pending State of Florida legislation.

2.7 Solution Security Requirements

The proposed Solution, at a minimum, shall provide the following Security protocols:

a) Provide the ability for each user to be uniquely identified by ID.
b) Provide basic authentication through use of complex passwords.
c) Provide the ability to enforce password expiration.
d) Provide the ability to require automatic password expirations when initially assigned or reset.
e) Provide ability to configure password parameters such as password lengths, user access to expiration settings and other behaviors, enabling alphanumeric characters, etc.
f) Provide the ability to encrypt transmitted data and authentication information over internal and external networks.
g) Provide support for Secure Socket Layer (SSL) 128 bit and 256 bit encryption.
h) Provide a password database encrypted in storage.
i) Provide ability to protect audit logs from unauthorized access.
j) Provide ability to log activities performed by specific user ID and IP address and to time-date stamp all activities.
k) Provide ability to identify and log all subsequent access points to ensure accountability is maintained throughout session.
l) Provide ability to limit concurrent sessions.
m) Provide ability to log changes to administrative functions.
n) Provide ability to automatically archive audit logs.
o) Provide ability to set an unsuccessful access attempt limit and suspend IDs after reaching the unsuccessful access threshold.
p) Provide ability to send alerts to administrators for unauthorized access attempts.
q) Enable automatic logoff of ID after a defined period of session inactivity, and perform subsequent re-log-on password authentication.
r) Provide ability to lock out user or group ID by date or time.
s) Provide centralized administration, user authorization, registration and termination.

2.8 BWC Extended Warranty Requirements

Proposals shall include one year full warranty and support on all items with each device purchased. Extended warranty shall be offered for all devices upon the expiration of the included 1-year warranty. Proposal submissions shall specify costs for each BWC extended warranty for support and maintenance on all items.

Proposers must provide a detailed description of the maintenance services that are available once the one-year warranty has expired. All shipping/transportation costs, parts, and labor costs shall be included in the initial warranty coverage and on-going extended warranty coverage. Repair and/or replacement shall be provided at no charge during the warranty period for parts with manufacturing defects.

2.9 Hosting, Software Maintenance, and Technical Support Services

The proposed Solution must be of the most recent release and the selected Proposer shall provide all hosting, software maintenance, and technical support services for the proposed Solution throughout the term of the contract.

A. *Hosting and Software Maintenance Services*

Hosting and software maintenance services, at a minimum, shall include updates and upgrades to the Solution, including corrections of any substantial defects, fixes of any minor bugs, and fixes due to any conflicts with mandatory operating system security patches as well as upgrades to new version releases. Selected Proposer shall be responsible for ensuring system availability and a minimum uptime of 99%. Non-production environments, such as testing and staging shall also be covered as well as backward compatibility with the deployed BWC devices.

B. *Technical Support Services*

The selected Proposer must have technical support services available, on a toll free basis, 24 hours a day, 7 days a week, during the entire contract period with a one hour (60 minutes) or less response time to problems, with a clearly defined priority escalation process. The selected Proposer shall also provide on-site technical support when required. This on-site support may be requested when it is determined the problem cannot be corrected by telephone support. Proposers shall include description in the proposal response outlining the support services offered and any limitations thereof.

The County's preferred escalation process is outlined below:

Severity	Definition	Response Time	Resolution Time	Status Frequency Update
1=Critical	A major component of the System is in a non-responsive state and severely affects Users' productivity or operations. A high impact problem which affects the Users.	One (1) Hour	Four (4) Hours	One (1) Hour
2=Urgent	Any component failure or loss of functionality not covered in Severity 1, which is hindering operations, such as, but not limited to: excessively slow response time; functionality degradation; error messages; backup problems; or issues affecting the use of a module or the data.	Two (2) Hours	Eight (8) Hours	Two (2) Hours
3=Important	Lesser issues, questions, or items that minimally impact the work flow or require a work around.	4 hours	Seventy two (72) Hours	Four (4) Hours
4=Minor	Issues, questions, or items that don't impact the work flow. Issues that can easily be scheduled such as an upgrade or patch.	24 hours	One (1) Month for an acceptable work around until final resolution	Weekly Status Call

2.10 BWC On-site Inventory

The selected Proposer shall provide the County, at no additional cost, with an inventory of spare equipment, devices, and accessories.

a) Quantity supplied will be equal to 10% of active units deployed by MDPD.
b) Stock will be available to MDPD at all times.
c) Selected Proposer will have three (3) working days to replenish requested stock upon notification of the County.
d) All units will be maintained by MDPD for use as immediate replacements, when needed.
e) Spare stock cannot be refurbished.
f) Selected Proposer will maintain the equipment spares in good condition and arrange for a three (3) day replacement when necessary.
g) Equipment stock to include BWC's, and other pertinent accessories.
h) MDPD will be responsible for providing immediate substitutions to participants from the stockpile.
i) Request for expedited delivery will be accommodated at the expense of MDPD on an as needed, when needed basis.

2.11 Equipment Shall Be Most Recent Model Available

The equipment being offered by the selected Proposer shall be the most recent model available. Any optional components which are required in accordance with the device specifications shall be considered standard equipment for purposes of this solicitation. BWC device offerings shall be for new equipment only. Newly manufactured devices containing used or rebuilt parts, remanufactured, rebuilt, reconditioned, newly re-manufactured, used; shopworn, demonstrator or prototype equipment is not acceptable and will be rejected.

2.12 Lost, Damaged, or Stolen Equipment

The selected Proposer will be responsible for 20% of lost, damaged, or stolen equipment per calendar year for all active devices deployed. All other equipment lost, damaged, or stolen above the 20% will be paid at the expense of the County.

2.13 Services to be Provided

The selected Proposer must provide a detailed explanation and implementation timeline with their proposal response that addresses the firm's ability for immediate contract startup. The explanation must demonstrate that adequate equipment will be available at the time of the resultant contract award to accommodate the service level expectation of MDPD. Proposers shall include the following information at a minimum in their proposal response:

- Provide implementation schedule and delivery dates listing all equipment, devices, and services requested in the Scope of services.
- Identify the technical support and assistance that will include, but not be limited to the following; devices worn by police personnel, docking/charging stations, networking equipment, WAN/LAN connectivity, system software, system upgrades and video retrieval software and procedures.

Although it is anticipated that approximately fifteen hundred (1,500) BWC's may be required in the resultant contract term, Proposers are advised that these are estimated quantities and not a guarantee. It is anticipated that the deployment of the new BWC equipment will occur after training is completed with MDPD staff. The selected Proposer will be required to assist MDPD staff to complete the deployment and be available to assist with any equipment or system issues.

2.14 Training Services

The selected Proposer shall provide system administration, power users, officers, diagnostic repair, and maintenance training to designated MDPD staff. It is anticipated that the following staff shall be trained:

- 15 – System Administrators
- 60- Train the Trainers
- 1,500 – Officers (to be trained in phases)
- 100 – Command Staff

Training shall be conducted on-site at a designated location provided by MDPD and be coordinated with approved dates/time by the authorized MDPD project manager. The selected Proposer shall supply an electronic copy of all training materials to MDPD. Additional training shall be made available via on-line videos or other resources on an ongoing basis throughout the term of the contract awarded as a result of this solicitation. Proposers should provide a detailed description of the training services to be provided in Item No. 24 of the Proposer Information Section.

2.15 Emergency Response

The selected Proposer shall be required to provide MDPD with BWC devices upon the declaration of an emergency. These devices will be used for deployment during natural disasters and/or periods of emergency, as declared by State and local emergency preparedness agencies. The selected Proposer shall provide, at no additional cost, active BWC's upon written County request within 48 hours of such request. The devices provided hereunder shall be returned to the vendor at termination of the emergency period in good working condition, ordinary wear and tear accepted. Lost or damaged devices shall be billed to the County, at full replacement value, established at the time of delivery.

The County reserves the right to extend this provision to cover other major county events and special needs, such as for County-wide elections or Convention events where there are expressed Public Safety considerations.

Proposers should provide a detailed description on how these requirements will be met in Item No. 25 of the Proposer Information Section.

2.16 Software Escrow

The selected Proposer shall be required to enter into a software escrow agreement with a licensed third party agent to house the source code associated with the proposed VMS at the time of Final System Acceptance. Proposers should provide a detailed description of escrow services and a copy of an existing sample escrow agreement as part of the Proposal Submission Package. Software escrow shall be provided by the selected Proposer. Pricing for software escrow fees shall be listed on the Form B-1 Price Schedule and will be paid to the selected Proposer. No third party invoicing shall be allowed.

2.17 Response to Public Records Request

At the request to the County, the selected Proposer shall collect data, videos and other records in the selected Proposer's Body Worn Camera and Video Management Storage Solution that are responsive to public records requests directed to the County pursuant to Florida Statutes Chapter 119. In collecting public records on behalf of and at the request of the County, the selected Proposer shall comply with all the requirements set forth in Florida law including those set forth in Florida Statutes Chapter 119. The selected Proposer shall not charge the County for its services in complying with the public records requests in excess of the costs the County may charge to members of the public under Florida Statutes Chapter 119 for such services. The selected Proposer shall submit the records it has collected to the County and the County retains the sole right and discretion of determining what records shall be produced in response to public records request directed to the County.

3.0 Response Requirements

3.1 Submittal Requirements

In response to this Solicitation, Proposer should **complete and return the entire Proposal Submission Package**. Proposers should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required and submitted in the manner described.

The proposal shall be written in sufficient detail to permit the County to conduct a meaningful evaluation of the proposed services. However, overly elaborate responses are not requested or desired.

4.0 Evaluation Process

4.1 Review of Proposals for Responsiveness

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in this Solicitation. A responsive proposal is one which follows the requirements of this Solicitation, includes all documentation, is submitted in the format outlined in this Solicitation, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in the proposal being deemed non-responsive.

4.2 Evaluation Criteria

Proposals will be evaluated by an Evaluation/Selection Committee which will evaluate and rank proposals on criteria listed below. The Evaluation/Selection Committee will be comprised of appropriate County personnel and members of the community, as deemed necessary, with the appropriate experience and/or knowledge, striving to ensure that the Evaluation/Selection Committee is balanced with regard to both ethnicity and gender. The criteria are itemized with their respective weights for a maximum total of one hundred (100) points per Evaluation/Selection Committee member.

Technical Criteria	Points
Solution Requirements: Proposer's capability to meet the functional and technical specification requirements described in this Solicitation, together with an evaluation of how well it matches the Proposer's understanding of the County's needs described in this Solicitation including but not limited to:	
A) BWC Device Requirements	35
B) Video Management Solution	
C) Video Storage (Active/Long Term)	
D) Solution Security Requirements	
Proposer's approach and methodology to providing the services requested in this Solicitation including Solution usability, configuration, implementation, training, maintenance and technical support services.	35
Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	15
Proposed timeline for complete Solution implementation, including completion of all customization, configuration, integration, testing, and final system acceptance.	5
Price Criteria	
Proposed price will be evaluated based on the solution proposed and overall best value to the County.	10
Total Points Per Evaluation/Selection Committee Member:	**100**

4.3 Oral Presentations

Upon completion of the criteria evaluation indicated above, rating and ranking, the Evaluation/Selection Committee may choose to conduct an oral presentation with the Proposer(s) which the Evaluation/Selection Committee deems to warrant further consideration based on, among other considerations, scores in clusters and/or maintaining competition. (See Affidavit – "Lobbyist Registration for Oral Presentation" regarding registering speakers in the proposal for oral presentations.) Upon completion of the oral presentation(s), the Evaluation/Selection Committee will re-evaluate, re-rate and re-rank the proposals remaining in consideration based upon the written documents combined with the oral presentation.

4.4 Selection Factor

This Solicitation includes a selection factor for Miami-Dade County Certified Small Business Enterprises (SBE's) as follows. A SBE/Micro Business Enterprise is entitled to receive an additional ten percent (10%) of the total technical evaluation points on the technical portion of such Proposer's proposal. An SBE/Micro Business Enterprise must be certified by Small Business Development for the type of goods and/or services the Proposer provides in accordance with the applicable Commodity Code(s) for this Solicitation. For certification information contact Small Business Development at (305) 375-2378 or access http://www.miamidade.gov/business/business-certification-programs-SBE.asp. The SBE/Micro Business Enterprise must be certified by proposal submission deadline, at contract award, and for the duration of the contract to remain eligible for the preference. Firms that graduate from the SBE program during the contract may remain on the contract.

4.5 Local Certified Service-Disabled Veteran's Business Enterprise Preference

This Solicitation includes a preference for Miami-Dade County Local Certified Service-Disabled Veteran Business Enterprises in accordance with Section 2-8.5.1 of the Code of Miami-Dade County. A VBE is entitled to receive an additional five percent (5%) of the total technical evaluation points on the technical portion of such Proposer's proposal. If a Miami-Dade County Certified Small Business Enterprise (SBE) measure is being applied to this Solicitation, a VBE which also qualifies for the SBE measure shall not receive the veteran's preference provided in this section and shall be limited to the applicable SBE preference.

4.6 Price Evaluation

The price proposal will be evaluated subjectively, including an evaluation of how well it matches Proposer's understanding of the County's needs described in this Solicitation, the Proposer's assumptions, and the value of the proposed services. The pricing evaluation is used as part of the evaluation process to determine the highest ranked Proposer. The County reserves the right to negotiate the final terms, conditions and pricing of the contract as may be in the best interest of the County.

4.7 Local Preference

The evaluation of competitive solicitations is subject to Section 2-8.5 of the Miami-Dade County Code, which, except where contrary to federal or state law, or any other funding source requirements, provides that preference be given to local businesses. If, following the completion of final rankings by the Evaluation/Selection Committee non-local Proposer is the highest ranked responsive and responsible Proposer, and the ranking of a responsive and responsible local Proposer is within 5% of the ranking obtained by said non-local Proposer, then the Evaluation/Selection Committee will recommend that a contract be negotiated with said local Proposer.

4.8 Demonstration Testing

The County, at its sole discretion, may elect to conduct demonstration testing with the Proposer(s) recommended for negotiations to evaluate whether the highest ranked Proposer(s) Solution can meet the specifications herein including technical support services. The selected Proposer will be required to ship a minimum of ten (10) cameras to MDPD for testing. MDPD will have an opportunity to test the proposed body worn cameras and video management solution for a minimum of fourteen (14) days. All shipping, handling, and insurance costs will be the responsibility of the Proposer. If after demonstration testing, the County at its sole discretion concludes that the Solution does not meet the specifications herein the County reserves the right to terminate negotiations and may at the County Mayor's or designee's discretion begin negotiations and testing with the next highest ranked Proposer.

During the testing period, the County will evaluate the proposed body worn cameras and video management solution in static and fluid environments based on the following:

a) Ease of camera use.
b) Camera functionality, operation of the camera, video quality.
c) Camera sturdiness, security of attachment.
d) Video download capability.
e) Ease of access to recorded video.
f) Ease of use of the Video Management Solution.
g) Data distribution capability.
h) Account administration.
i) Quality of access and storage rights.
j) Technical support.

4.9 Negotiations

The County may award a contract on the basis of initial Proposals received. Therefore, each initial Proposal should contain the Proposer's best terms from a monetary and technical standpoint.

The Evaluation/Selection Committee will evaluate, score and rank proposals, and submit the results of their evaluation to the County Mayor or designee with their recommendation. The County Mayor or designee will determine with which Proposer(s) the County shall negotiate, if any, taking into consideration the Local Preference Section above. The County Mayor or designee, at their sole discretion, may direct negotiations with the highest ranked Proposer, negotiations with multiple Proposers, and/or may request best and final offers. In any event the County engages in negotiations with a single or multiple Proposers and/or requests best and final offers, the discussions may include price and conditions attendant to price.

Notwithstanding the foregoing, if the County and said Proposer(s) cannot reach agreement on a contract, the County reserves the right to terminate negotiations and may, at the County Mayor's or designee's discretion, begin negotiations with the next highest ranked Proposer(s). This process may continue until a contract acceptable to the County has been executed or all proposals are rejected. No Proposer shall have any rights against the County arising from such negotiations or termination thereof.

Any Proposer recommended for negotiations shall complete a Collusion Affidavit, in accordance with Sections 2-8.1.1 of the Miami-Dade County Code. (If a Proposer fails to submit the required Collusion Affidavit, said Proposer shall be ineligible for award.)

Any Proposer recommended for negotiations may be required to provide to the County:

a) Its most recent certified business financial statements as of a date not earlier than the end of the Proposer's preceding official tax accounting period, together with a statement in writing, signed by a duly authorized representative, stating that the present financial condition is materially the same as that shown on the balance sheet and income statement submitted, or with an explanation for a material change in the financial condition. A copy of the most recent business income tax return will be accepted if certified financial statements are unavailable.

b) Information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the Proposer, any of its employees or subcontractors is or has been involved within the last three years.

4.10 Contract Award

Any contract, resulting from this Solicitation, will be submitted to the County Mayor or designee for approval. All Proposers will be notified in writing when the County Mayor or designee makes an award recommendation. The Contract award, if any, shall be made to the Proposer whose proposal shall be deemed by the County to be in the best interest of the County. Notwithstanding the rights of protest listed below, the County's decision of whether to make the award and to which Proposer shall be final.

4.11 Rights of Protest

A recommendation for contract award or rejection of all proposals may be protested by a Proposer in accordance with the procedures contained in Sections 2-8.3 and 2-8.4 of the County Code, as amended, and as established in Implementing Order No. 3-21.

5.0 Terms and Conditions

The anticipated form of agreement is attached. The terms and conditions summarized below are of special note and can be found in their entirety in the agreement:

a) Vendor Registration

Prior to being recommended for award, the Proposer shall complete a Miami-Dade County Vendor Registration Package. The Vendor Registration Package, including all affidavits, can be completed online at http://www.miamidade.gov/procurement/vendor-registration.asp. The recommended Proposer shall affirm that all information submitted with its Vendor Registration Package is current, complete and accurate, at the time they submitted a response to the Solicitation, by completing an Affirmation of Vendor Affidavit form.

b) Insurance Requirements

The Contractor shall furnish to the County, Internal Services Department, Procurement Management Services Division, prior to the commencement of any work under any agreement, Certificates of Insurance which indicate insurance coverage has been obtained that meets the stated requirements.

c) Inspector General Reviews

According to Section 2-1076 of the Code of Miami-Dade County, as amended by Ordinance No. 99-63, Miami-Dade County has established the Office of the Inspector General which may, on a random basis, perform audits on all County contracts, throughout the duration of said contracts, except as otherwise indicated. The cost of the audit, if applicable, shall be one quarter (1/4) of one (1) percent of the total contract amount and the cost shall be included in any proposed price. The audit cost will be deducted by the County from progress payments to the Contractor, if applicable.

d) User Access Program

Pursuant to Section 2-8.10 of the Miami-Dade County Code, any agreement issued as a result of this Solicitation is subject to a user access fee under the County User Access Program (UAP) in the amount of two percent (2%). All sales resulting from this Solicitation and the utilization of the County contract price and the terms and conditions identified therein, are subject to the two percent (2%) UAP.

6.0 Attachments

Proposal Submission Package

Form B-1 Price Proposal
Draft Form of Agreement

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PROPOSAL SUBMISSION PACKAGE
REQUEST FOR PROPOSALS (RFP) NO. RFP-00168
BODY WORN CAMERAS AND VIDEO MANAGEMENT SOLUTION

In response to the Solicitation, Proposer shall RETURN THIS ENTIRE PROPOSAL SUBMISSION PACKAGE as follows:

1. **Proposal Submittal Form, Cover Page of Proposal**
   Complete and sign the Proposal Submittal Form (by Proposer or representative of the Proposer who is legally authorized to enter into a contractual relationship in the name of the Proposer) as required.

2. **Proposer Information**
   Complete following the requirements therein.

   Note: The Proposer Information document is available in Word and is included in the Solicitation attachments.

3. **Affidavits/Acknowledgements**
   Complete and sign the following:

   Lobbyist Registration for Oral Presentation
   Fair Subcontracting Practices
   Subcontractor/Supplier Listing
   Contractor Due Diligence Affidavit

4. **Form B-1, Price Proposal Schedule**
   Complete following the requirements therein.

Please refer to the front cover of this Solicitation for electronic submission instructions.

PROPOSER INFORMATION

TABLE OF CONTENTS

The table of contents should outline in sequential order the major areas of the proposal. Proposers should carefully follow the order and instructions outlined below. All pages of the proposal, including enclosures, must be clearly and consecutively numbered and correspond to the Table of Contents.

Minimum Qualification Requirement

The minimum qualification requirement for this Solicitation is as follows:

Proposers shall have a minimum of two years' experience in delivering and/or maintaining a body worn camera and video management solution in a minimum of three law enforcement agencies including a deployment of at least 250 active BWC devices and video management storage solution. Proposers are required to submit with their proposal response the following information:

Name of the Law Enforcement Agency
Name of the Contact Person
Contact Person's Phone Number
Contact Person's E-mail Address
Value of Contract
Number of years working with Law Enforcement Agency
Type of BWC Devices Utilized and Number in Use
Video Storage / Management System Provided

Proposer's Experience and Past Performance

1. Describe the Proposer's past performance and experience and state the number of years that the Proposer has been in existence, the current number of employees, and the primary markets served. Additionally, please provide a listing of all major law enforcement agency clients currently engaged in business with your firm pertaining to body-worn digital camera systems.

2. Provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past three years. The description should identify for each project: (i) client, (ii) description of work, (iii) total dollar value of the contract, (iv) dates covering the term of the contract, (v) client contact person and phone number, (vi) statement of whether Proposer was the prime contractor or subcontractor, and (vii) the results of the project. Where possible, list and describe those projects performed for government clients or similar size private entities (excluding any work performed for the County). In addition, please describe any current projects your firm is working on, as well as the approximate cost of the projects, and estimated completion dates.

3. List all contracts which the Proposer has performed for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Miami-Dade County Code, which requires that "a Bidder's or Proposer's past performance on County Contracts be considered in the selection of Consultants and Contractors for future County Contracts." As such the Proposer must list and describe all work performed for Miami-Dade County and include for each project: (i) name of the County Department which administers or administered the contract, (ii) description of work, (iii) total dollar value of the contract, (iv) dates covering the term of the contract, (v) County contact person and phone number, (vi) statement of whether Proposer was the prime contractor or subcontractor, and (vii) the results of the project.

Key Personnel and Subcontractors Performing Services

4. Provide an organization chart showing all key personnel, including their titles, to be assigned to this project. This chart must clearly identify the Proposer's employees and those of the subcontractors or subconsultants and shall include the functions to be performed by the key personnel and their relevant experience on previous similar projects. All key personnel includes all partners, managers, seniors and other professional staff that will perform work and/or services in this project.

5. List the names and company information of all first tier subcontractors, and describe the extent of work to be performed by each first tier subcontractor. Describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of the subcontractors who will be assigned to this project.

6. Provide resumes, if available with job descriptions and other detailed qualification information on all key personnel who will be assigned to this project, including any key personnel of subcontractors.

   Note: After proposal submission, but prior to the award of any contract issued as a result of this Solicitation, the Proposer has a continuing obligation to advise the County of any changes, intended or otherwise, to the key personnel identified in its proposal.

PROPOSED SOLUTION FUNCTIONALITY/APPROACH TO PROVIDING THE SERVICES

7. Provide a detailed description of the proposed BWC devices and Solution. Please include the functionality of each BWC and how the proposed Solution work. This should include a diagram of the technical components of the proposed Solution and a description of how the BWC work both outside and with the proposed Video Management Storage Solution.

8. Describe Proposer's specific project plan and approach to be used in meeting the Scope of Services for the BWC program requirements as described in Section 2.3.

9. Describe Proposer's approach to project organization and management, including the responsibilities of Proposer's management and staff personnel that will perform work in this project. Describe Proposer's Project Management methodology and recommended strategies in performing the services described in the Scope of Services (Section 2.0). The Proposer shall describe its approach to project organization and management, to include the various project stages and milestones, Change of Scope management, implementation and training strategies, responsibilities of Proposer's management team, and necessary Proposer and County staffing required to complete the project.

10. Provide a complete description of the proposed BWC device that is capable of meeting the requirements outlined in Section 2.4. Description should include BWC device capabilities, photos, and product information and specification sheets.

11. Provide a detailed description of the proposed Video Management Storage Solution that meets the requirements outlined in Section 2.5. Please describe the Solution functionality, screen shots, and information as to how it works.

12. Explain in detail the security measures that have been imposed on the proposed Video Management Storage Solution to maintain data integrity.

13. Provide a detailed explanation on the Video Management Solution's infrastructure and the approach to Solution hosting, maintenance, and technical support services. Including but not limited to the Proposer's policy regarding new software releases, storage capabilities, software upgrades, updates, patches, bug fixes, optional software features, etc.

14. Provide a detailed description on how the Solution handles deletion and purging of videos. Is the deletion of videos an immediate process and are the video's deleted from the live area and backup areas?

15. Provide a detailed description on how the proposed BWC and Video Management Solution can meet the active and long term video storage requirements outlined in Section 2.6.

16. Provide a detailed description of the proposed BWC extended warranty options inclusive of all device offerings, warranty inclusions, exclusions, and applicable costs.

17. Provide a detailed description of how equipment will be repaired and/or replaced throughout the term of the agreement.

18. Please describe your current hosting methodology and uptime percentage. Explain your redundancy and failover mechanism to ensure reliability and availability of the Solution.

19. Provide the recommended hardware and software requirements for the proposed Solution to ensure optimal performance for all users.

20. Provide a detailed description on how the BWC on-site inventory requirements can be met as outlined in Section 2.10.

21. Provide a detailed description on how the lost, damaged, or stolen equipment requirements outlined in Section 2.12 can be met.

22. Provide a detailed description on the current co-location strategy and disaster recovery process in place. Please fully detail current procedures and identify how many additional co-locations are utilized to ensure no loss of data or Solution availability.

23. Provide an itemized training plan to describe the training methodology. Explain how the training will be conducted and provide an overview on how the comprehensive training plan for all MDPD users will be rolled out to meet the project objectives.

24. Provide a detailed description on how the Emergency Response requirements outlined in Section 2.15 can be met.

25. Provide a detailed description of the security measures of the proposed Solution, including information regarding how the proposed Solution will allow the County to define access to the data based on current industry best practices such as roles and permission lists by department as outlined in Section 2.7.

26. Provide a detailed description of training that is offered as part of the Proposal to the County. Provide the recommended number of training hours, as well as any other type of training, including, but not limited to on-line tutorials, web seminar training (if available), training documentation, etc. as outlined in Section 2.14.

27. Provide a detailed explanation on the Solution's infrastructure and the approach to hosting, maintenance and technical support services. Including but not limited to the Proposer's policy regarding new software releases, software upgrades, updates, patches, bug fixes, optional software features, etc. Specify which are included as part of the Proposed Solution. Include approximate frequency at which updates and/or upgrades are released as well as the method for deploying such updates and/or upgrades as outlined in Section 2.9.

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28. Provide a detailed description of Proposer's technical support services including telephone and email support, response times, escalation procedures, days and hours available, etc.

29. Provide a detailed description on how the Emergency Response requirements outlined in Section 2.15 can be met.

30. Provide system and data availability metrics from the last two years to demonstrate the Solution uptime meeting or exceeding 99%.

31. Are the data centers used to support the Solution geographically dispersed? If so, please explain co-location strategy and how the data replication is performed across various data centers in real time. Additionally, the Solution should the ability to separate Miami-Dade County data from other entities' supported data. How is this accomplished?

32. Provide description of anything (functionality, software customizations, etc.) not identified in the RFP that will be required to make Proposed Solution meet the Scope of Services. Additionally, please describe any optional device components, software modules, and/or recommendations to maximize the use of the BWC devices and associated Video Management Solution.

BWC AND VIDEO MANAGEMENT SOLUTION REQUIREMENTS MATRIX

34. Please describe the proposed BWC and Video Management Solution's ability to meet the minimum requirements outlined in Section 2, "Scope of Services", of the solicitation. Please complete the below requirements matrix by responding to each of the requirements outlined using one of the acceptable responses. If your answer is "No" to the requirement, please provide an explanation in the comments column. If the requested functionality / capability is not applicable, please state, "N/A" and provide an explanation in the comment's column.

MINIMUM REQUIREMENT DESCRIPTION	YES	NO	COMMENTS
BWC Hardware Requirements - As Outlined within Section 2.4			
a) Field of view: The BWC unit must have a view of at least 70° with a maximum view of 120° (120° is the maximum allowed before warping or bending of the video image occurs.			
b) Multiple mounting options: The BWC should have multiple mounting options to accommodate varying field situations (i.e. lapel, shoulder, ear, eyeglasses, and cap). A head mountable camera is desired, but MDPD is willing to consider other mounting options as long as it does not block the field of view. The view must not be obstructed when an officer has their firearm out and in the ready position.			
c) Pre-event buffer: BWC must capture at least thirty (30) seconds of video (no audio) prior to officer initiating the recording.			

MINIMUM REQUIREMENT DESCRIPTION	YES	NO	COMMENTS
d) Visual indicator: BWC must have a lighted indicator that shows current operating mode and battery level. Any illuminated controls or indicators should have a user option which allows them to be extinguished during a tactical/darkness situation.			
e) Rechargeable battery life: BWC battery must have a minimum of twelve (12) hours of standby time.			
f) Recording time: BWC must record for a minimum of 4 hours per activation to allow for lengthy interviews and investigations.			
g) Internal Storage: BWC must have a minimum of 8GB of Internal storage memory and store at a minimum 4 hours of video on the device.			
h) Recording speed: BWC frame rate must be no less than thirty (30) frames per second.			
i) Night Mode: MDPD prefers low light capability equal to 1 lux. Cameras offering night vision enhancement will not be accepted. The goal is to have a camera that closely matches the capability of the human eye. If the BWC has night vision capability, user must be able to disable the night vision function.			
j) Video safeguards: Users must not be able to delete or edit video on the camera.			
k) Video resolution: BWC must have a minimum of 640 x 480.			
l) On-scene viewing: BWC must have the ability to view video on scene (in the field).			
m) Configurable A/V settings: Bit rate (multiple settings to optimize file size and upload speed). Audio – on/off. Audio and video should conform to MPEG 1-4 standards.			
n) Upload and charging: Battery charging and docking for file transfer is required to be a concurrent process and this process must be able to be supported simultaneously for a minimum of 250 BWC's.			

MINIMUM REQUIREMENT DESCRIPTION	YES	NO	COMMENTS
Video Storage Management Solution Requirements - As Outlined within Section 2.5			
a) Solution shall be a cloud-based data storage solution with the capability of organizing/managing incidents and be accessible via the Internet to multiple users simultaneously.			
b) Solution must be web based and not require installation onto user's computers.			
c) Solution must be scalable and flexible to handle changing needs of the County.			
d) Solution shall provide enhanced user authentication with a unique username and password.			
e) Solution shall allow for authorized users to be established based on various roles and permissions by the System Administrator.			
f) Solution shall provide an automated method of transfer to move files from the BWC to storage system such as drop in docking station or wireless upload.			
g) Solution shall provide for remote viewing of the stored video for non-technical MDPD staff as well as others based on the permissions granted by the System Administrator.			
h) Authorized users should be able to search by name, date, event, device, case/incident number; as well as categorize, add case numbers, notes, etc. to each file within the Solution.			
i) Authority to access stored video shall be hierarchical in nature with a log/audit trail illustrating users who have viewed and copied video to an external source (i.e. DVD / long term storage).			
j) Solution software must allow officers to link and attach metadata to recordings file prior to uploading.			
k) Solution must provide encryption in storage and transport, and provide security back-up of all data.			
l) Solution must have controlled access to evidence with pre-defined roles and permissions, predefined individuals and passwords.			

MINIMUM REQUIREMENT DESCRIPTION	YES	NO	COMMENTS
m) Administrative rights to server containing evidence must be restricted to authorized County personnel only.			
n) Solution must securely store all videos and recordings in a way that only County authorized users and users authorized by MDPD can view.			
o) Solution must have the ability to grant access to specific files to specific persons for a specific time period.			
p) Solution must have the ability to share files internally and externally via secure links over the internet.			
q) Solution must have the ability to set variable retention rules per MDPD preferences.			
r) Solution should support all major digital file types. No proprietary file formats will be accepted.			
s) Solution must have the ability to set time tables for automatic deletion of files with notifications prior to deletion.			
t) Solution must have the ability to allow redacting of files to include deleting certain portions of file (video or audio) and blurring out particular images within a video.			
u) Solution must have the ability to preserve the raw file without editing.			
v) Solution must have security features that assured digital evidence will meet all standards for reliability in court.			
w) Solution must have a two tier storage capability for active video and long term storage needs.			
x) Solution should be redundantly backed-up. Proposers are to provide information on the firm's co-location strategy and disaster recovery and fully detail current procedures within the Proposal Submission Package.			
Active and Long Term Storage Requirements – As outlined within Section 2.6			
a) Solution storage must have the ability to download video for at least 250 camera units simultaneously.			
b) Authorized users should be able to search by name, date, event, device, case/incident number, as well as			

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MINIMUM REQUIREMENT DESCRIPTION	YES	NO	COMMENTS
categorize, add case numbers, notes, etc. to each file within the Solution.			
c) Solution must maintain and be able to export audit trail along with video.			
d) Solution must allow for the video to be exported in an industry standard file format. (i.e. AVI, MPEG, MP4).			
e) Video storage must support a backend IP, externally hosted, based retrieval system available to multiple users.			
f) Storage solution must comply with law enforcement Criminal Justice Information Services (CJIS) data protection and transport (i.e. SSL) standards. No external initiated connections will be allowed.			
g) Data storage must be co-located and have an established Disaster Recovery (DR) solution to ensure Solution reliability.			
h) Upon request, the selected Proposer shall provide all data in an indexed and searchable format on an external hard drive to MDPD.			
i) Solution must allow the system administrator to control the length of retention of videos.			
j) Storage capacity shall be based on a loose estimate of 32,000 hours of recorded video per year.			
Solution Security Requirements – As outlined within Section 2.7			
a. Provide the ability for each user to be uniquely identified by ID.			
b) Provide basic authentication through use of complex passwords.			
c) Provide the ability to enforce password expiration.			
d) Provide the ability to require automatic password expirations when initially assigned or reset.			
e) Provide ability to configure password parameters such as password lengths, user access to expiration settings and other behaviors, enabling alphanumeric characters, etc.			

MINIMUM REQUIREMENT DESCRIPTION	YES	NO	COMMENTS
f) Provide the ability to encrypt transmitted data and authentication information over internal and external networks.			
g) Provide support for Secure Socket Layer (SSL) 128 bit and 256 bit encryption.			
h) Provide a password database encrypted in storage.			
i) Provide ability to protect audit logs from unauthorized access.			
j) Provide ability to log activities performed by specific user ID and IP address and to time-date stamp all activities.			
k) Provide ability to identify and log all subsequent access points to ensure accountability is maintained throughout session.			
l) Provide ability to limit concurrent sessions.			
m) Provide ability to log changes to administrative functions.			
n) Provide ability to automatically archive audit logs.			
o) Provide ability to set an unsuccessful access attempt limit and suspend IDs after reaching the unsuccessful access threshold.			
p) Provide ability to send alerts to administrators for unauthorized access attempts.			
q) Enable automatic logoff of ID after a defined period of session inactivity, and perform subsequent re-log-on password authentication.			
r) Provide ability to lock out user or group ID by date or time.			
s) Provide centralized administration, user authorization, registration and termination.			

35. Identify if Proposer has taken any exception to the terms of this Solicitation. If so, Indicate what alternative is being offered and the cost implications of the exception(s).

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FORM B-1
PRICE PROPOSAL SCHEDULE

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FORM B-1 - PRICE PROPOSAL SCHEDULE
BODY WORN CAMERAS AND VIDEO MANAGEMENT SOLUTION

INSTRUCTIONS:

The Proposer's price shall be submitted on this Form B-1 "Price Proposal Schedule". Proposer is requested to fill in the applicable blanks on this form. Pricing must include **all cost elements** including but not limited to the body worn camera device and accessories, associated video management software, hosted storage of body worn video, configuration, implementation, training services, ongoing hosting, maintenance, and technical support services, and professional services required to meet the specifications outlined in Section 2.0 of this solicitation document.

A. PROPOSED PRICE

The Proposer shall state its price for providing all minimum and desired services as stated in Section 2.0 - Scope of Services. The pricing submitted below shall be used to evaluate Proposers.

TOTAL PROPOSED PRICE FOR THE
BODY WORN CAMERAS AND VIDEO MANAGEMENT SOLUTION
FOR THE INITIAL FIVE (5) YEAR TERM:

$_____

Note: A payment schedule will be negotiated with the selected Proposer based upon project milestones and deliverables (e.g., installation, County's final acceptance of deliverables, etc.)

B. BREAKDOWN OF PROPOSED PRICE

The Proposer shall provide a breakdown of the "Proposed Price" stated in Section A, above, as provided for in the tables below. Items that are not applicable shall be identified as "N/A"; items that are at no charge to the County shall be identified as "N/C".

DESCRIPTION	TOTAL PRICE
Body Worn Camera Devices and Associated Accessories, as per Section 2.0 of This Solicitation Document (Please provide detailed cost breakdown in Table B1 below)	$
Software License/Hosting/Maintenance/Technical Support Service Fees for Video Management Solution (Active Storage/Cold Storage) *(Please provide detailed cost breakdown in Table B2(A) below)*	$
Storage Fees - (Active Storage/ Long Term Storage) *(Please provide detailed cost breakdown in Table B2 (B) below)*	$

DESCRIPTION	TOTAL PRICE
Professional Services *(Please provide detailed cost breakdown in Table B3 below)*	$
Testing and Configuration Services *(Please provide detailed cost breakdown in Table B4 below)*	$
Training *(Please provide detailed cost breakdown in Table B5 below)*	$
Software Escrow Fees *(Please provide detailed cost breakdown in Table B6 below)*	$
Miscellaneous Costs including Travel, if applicable *(Please provide a detailed cost breakdown in Table B7 Below)*	$
***Total Proposed Price:**	**$**

**** Note: Total Proposed Price shall be equal to the Proposed Price stated in Section A above.***

TABLE B1: PRICE BREAKDOWN FOR PROPOSED BODY WORN CAMERA DEVICES AND ASSOCIATED ACCESSORIES			
Body Worn Camera (Manufacturer and Model #)	**Quantity**	**Unit Price Per Body Worn Camera**	**Extended Total (Unit Price x Quantity)**
	1,500	$	$
Total for Proposed Body Worn Camera Devices and Associated Accessories:			**$**

TABLE B2 (A)– SOFTWARE LICENSE, HOSTING, MAINTENANCE AND TECHNICAL SUPPORT SERVICES FEES		
Description	**Annual Fee**	**Extended Total**
Software License, Hosting, Maintenance and Technical Support Services		$
		$
		$
		$
Total for Software License, Hosting, Maintenance and Technical Support Services:		**$**

TABLE B2 (B) – STORAGE FEES			
Description	Proposed Storage Size	Unit Price Per Gigabyte	Extended Total
Active Storage			$
Long Term Storage			$
			$
			$
		Total for Storage Fees:	$

TABLE B3 - PRICE BREAKDOWN FOR PROFESSIONAL SERVICES		
Description	Proposed Number of Hours	Unit Price Per Hour
		$
		$
		$
		$
	Total for Professional Services:	$

TABLE B4 - PRICE BREAKDOWN FOR TESTING AND CONFIGURATION SERVICES		
Description	Proposed Number of Hours	Unit Price Per Hour
		$
		$
		$
		$
	Total for Testing and Configuration Services:	$

TABLE B5 - PRICE BREAKDOWN FOR TRAINING		
Description	Proposed Number of Training Days	Unit Price Per Day of Training
		$

		$
		$
		$
	Total for Training:	$

TABLE B6 - PRICE BREAKDOWN FOR SOFTWARE ESCROW FEES (Initial Five Year Term)	
Description/Milestone	**Annual Fee**
Software Escrow Agreement Fees - Year 1	$
Software Escrow Agreement Fees - Year 2	$
Software Escrow Agreement Fees - Year 3	$
Software Escrow Agreement Fees - Year 4	$
Software Escrow Agreement Fees - Year 5	$
Total for Software Escrow Fees:	$

TABLE B7 - PRICE BREAKDOWN FOR MISCELLANEOUS COSTS	
Description/Milestone	**Price**
	$
	$
	$
	$
Total for Miscellaneous Costs:	$

C. OPTIONAL PRODUCTS/SERVICES

The Proposer shall state its price for providing all Optional Products and Services as provided for in the tables below. **These prices should not be included in the Proposer's Total Proposed Price.**

C1. OPTION-TO-RENEW (OTR) SOFTWARE LICENSE, HOSTING, MAINTENANCE AND SUPPORT SERVICE FEES

DESCRIPTION	ANNUAL FEE	EXTENDED TOTAL
OTR 1 – Software License, Hosting, Maintenance, and Technical Support Service Fees (Years 6, 7, 8, 9 & 10)		$
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 6*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 7*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 8*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 9*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 10*	$	
OTR 2 – Software License, Hosting, Maintenance, and Technical Support Service Fees (Years 10, 11, 12, 13, & 14)		$
Software License, Hosting, Maintenance, and Technical Support Service Fees Contract Year 11	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 12*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 13*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 14*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 15*	$	
OTR 3 – Software License, Hosting, Maintenance, and Technical Support Service Fees (Years 16, 17, 18, 19 & 20)		$
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 16*	$	

DESCRIPTION	ANNUAL FEE	EXTENDED TOTAL
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 17*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 18*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 19*	$	
Software License, Hosting, Maintenance, and Technical Support Service Fees *Contract Year 20*	$	

C2. *OTR SOFTWARE ESCROW FEES*

Proposer must provide the cost to the county for depositing the Solution with a third party software escrow agent.

DESCRIPTION	ANNUAL FEE	EXTENDED TOTAL
OTR 1 – Software Escrow Agreement Fees (Years 6, 7, 8, 9, & 10)		$
Software Escrow Agreement Fees *Contract Year 6*	$	
Software Escrow Agreement Fees *Contract Year 7*	$	
Software Escrow Agreement Fees *Contract Year 8*	$	
Software Escrow Agreement Fees *Contract Year 9*	$	
Software Escrow Agreement Fees *Contract Year 10*	$	
OTR 2 – Software Escrow Agreement Fees (Years 11, 12, 13, 14, & 15)		$
Software Escrow Agreement Fees Contract Year 11	$	
Software Escrow Agreement Fees *Contract Year 12*	$	
Software Escrow Agreement Fees Contract Year 13	$	

DESCRIPTION	ANNUAL FEE	EXTENDED TOTAL
Software Escrow Agreement Fees Contract Year 14	$	
Software Escrow Agreement Fees Contract Year 15	$	
OTR 3 – Software Escrow Agreement Fees (Years 16, 17, 18, 19, & 20)		$
Software Escrow Agreement Fees *Contract Year 16*	$	
Software Escrow Agreement Fees *Contract Year 17*	$	
Software Escrow Agreement Fees *Contract Year 18*	$	
Software Escrow Agreement Fees *Contract Year 19*	$	
Software Escrow Agreement Fees *Contract Year 20*	$	

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(This is the form of agreement the County anticipates awarding to the selected Proposer.)

BODY WORN CAMERAS AND VIDEO MANAGEMENT SOLUTION
Contract No. RFP-00168

This Agreement is made and entered into by and between Miami-Dade County, a political subdivision of the State of Florida, having its principal office at 111 N.W. 1st street, Miami, Florida 33128 (hereinafter referred to as the "County"), and _____, a corporation organized and existing under the laws of the State of _____, having its principal office at _____ (hereinafter referred to as the "Contractor").

WITNESSETH:

WHEREAS, the Contractor has offered to provide Body Worn Cameras and Video Management Solution, on a non-exclusive basis, that shall conform to the Scope of Services (Appendix A); Miami-Dade County's Request for Proposals (RFP) No. RFP-00168 and all associated addenda and attachments, incorporated herein by reference; and the requirements of this Agreement; and,

WHEREAS, the Contractor has submitted a written proposal dated _____, hereinafter referred to as the "Contractor's Proposal" which is incorporated herein by reference; and,

WHEREAS, the County desires to procure from the Contractor such Body Worn Cameras and Video Management Solution for the County, in accordance with the terms and conditions of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

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ARTICLE 1. DEFINITIONS

The following words and expressions used in this Agreement shall be construed as follows, except when it is clear from the context that another meaning is intended:

a) The words "Contract" or "Agreement" to mean collectively these terms and conditions, the Scope of Services (Appendix A), all other appendices and attachments hereto, all amendments issued hereto, RFP No. RFP-00168 and all associated addenda, and the Contractor's Proposal.

b) The words "Contract Date" to mean the date on which this Agreement is effective.

c) The words "Contract Manager" to mean Miami-Dade County's Director, Internal Services Department, or the duly authorized representative designated to manage the Contract.

d) The word "Contractor" to mean _____ and its permitted successors and assigns.

e) The word "Days" to mean Calendar Days.

f) The word "Deliverables" to mean all documentation and any items of any nature submitted by the Contractor to the County's Project Manager for review and approval pursuant to the terms of this Agreement.

g) The words "directed", "required", "permitted", "ordered", "designated", "selected", "prescribed" or words of like import to mean respectively, the direction, requirement, permission, order, designation, selection or prescription of the County's Project Manager; and similarly the words "approved", acceptable", "satisfactory", "equal", "necessary", or words of like import to mean respectively, approved by, or acceptable or satisfactory to, equal or necessary in the opinion of the County's Project Manager.

h) The words "Extra Work" or "Additional Work" to mean additions or deletions or modifications to the amount, type or value of the Work and Services as required in this Contract, as directed and/or approved by the County.

i) The words "Project Manager" to mean the County Mayor or the duly authorized representative designated to manage the Project.

j) The words "Scope of Services" to mean the document appended hereto as Appendix A, which details the work to be performed by the Contractor.

k) The word "subcontractor" or "subconsultant" to mean any person, entity, firm or corporation, other than the employees of the Contractor, who furnishes labor and/or materials, in connection with the Work, whether directly or indirectly, on behalf and/or under the direction of the Contractor and whether or not in privity of Contract with the Contractor.

l) The words "Work", "Services" "Program", or "Project" to mean all matters and things required to be done by the Contractor in accordance with the provisions of this Contract.

m) The word "BWC" to mean Body Worn Camera devices.

n) The word "VMS" to mean Video Management Solution.

o) The word "MDPD" to mean the Miami-Dade Police Department.

p) The word "Solution" to mean Body Worn Camera and Video Management Storage Solution.

ARTICLE 2. ORDER OF PRECEDENCE

If there is a conflict between or among the provisions of this Agreement, the order of precedence is as follows: 1) these terms and conditions, 2) the Scope of Services (Appendix A), 3) the Miami-Dade County's RFP No. RFP-00168 and any associated addenda and attachments thereof, and 4) the Contractor's Proposal.

ARTICLE 3. RULES OF INTERPRETATION

a) References to a specified Article, section or schedule shall be construed as reference to that specified Article, or section of, or schedule to this Agreement unless otherwise indicated.

b) Reference to any agreement or other instrument shall be deemed to include such agreement or other instrument as such agreement or other instrument may, from time to time, be modified, amended, supplemented, or restated in accordance with its terms.

c) The terms "hereof", "herein", "hereinafter", "hereby", "herewith", "hereto", and "hereunder" shall be deemed to refer to this Agreement.

d) The titles, headings, captions and arrangements used in these Terms and Conditions are for convenience only and shall not be deemed to limit, amplify or modify the terms of this Contract, nor affect the meaning thereof.

ARTICLE 4. GRANT OF LICENSE AND RIGHTS

a) Contractor shall own all rights, title, and interest in and to the Licensed Software and the related source code including copyright, trade secret, patent, trademark, and other proprietary rights as well as all customizations, enhancements, modifications, improvement, derivations, or other variations thereof. This Agreement does not transfer to the County under any circumstances any of the Contractor's ownership rights in the Licensed Software.

b) System License. In consideration of the fees paid under the Agreement, the Contractor hereby grants to the County and its full-time, part-time or contract employees a limited, nonexclusive license for the term of the Agreement to access and use those components of the System that require a license, including but not limited to the Licensed Software, over the Internet with an unlimited number of concurrent end user licenses.

c) Use of License. The Licensed Software and use of the System is licensed to the County solely for the County's governmental and business purposes, to the extent such purposes are described in this Agreement or the Documentation.

d) Software as a Service (SaaS). Contractor is supplying SaaS and acting as an Application Service Provider (ASP) supplying the System to the County as a hosted service via the Internet. To the extent a sublicense is necessary in connection with making any component of the System available to the County, the Contractor will also provide for sublicenses to enable the County to fully utilize the System in accordance with the Agreement.

ARTICLE 5. NATURE OF THE AGREEMENT

a) This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained in this Agreement. The parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this Agreement, and that this Agreement contains the entire agreement between the parties as to all matters contained herein. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that any oral representations or modifications concerning this Agreement shall be of no force or effect, and that this Agreement may be modified, altered or amended only by a written amendment duly executed by both

parties hereto or their authorized representatives.

b) The Contractor shall provide the services set forth in the Scope of Services, and render full and prompt cooperation with the County in all aspects of the Services performed hereunder.

c) The Contractor acknowledges that this Agreement requires the performance of all things necessary for or incidental to the effective and complete performance of all Work and Services under this Contract. All things not expressly mentioned in this Agreement but necessary to carrying out its intent are required by this Agreement, and the Contractor shall perform the same as though they were specifically mentioned, described and delineated.

d) The Contractor shall furnish all labor, materials, tools, supplies, and other items required to perform the Work and Services that are necessary for the completion of this Contract. All Work and Services shall be accomplished at the direction of and to the satisfaction of the County's Project Manager.

e) The Contractor acknowledges that the County shall be responsible for making all policy decisions regarding the Scope of Services. The Contractor agrees to provide input on policy issues in the form of recommendations. The Contractor agrees to implement any and all changes in providing Services hereunder as a result of a policy change implemented by the County. The Contractor agrees to act in an expeditious and fiscally sound manner in providing the County with input regarding the time and cost to implement said changes and in executing the activities required to implement said changes.

ARTICLE 6. DELIVERY

a) The Contractor shall make the VMS available to the County through SaaS or ASP model. The VMS will be accessible through the Internet by the County.

b) Web Based Software All County license keys, usernames, and passwords shall be authenticated by the Contractor and perform according to Appendix A "Scope of Services."

c) Documentation. The Contractor shall deliver copies of the Documentation to the County in softcopy (electronic) format, and if requested, in hardcopy.

i. Under no circumstances will the County sell or distribute any copies of the Documentation, including copies made, to other than its employees or individuals assisting the County in its business or governmental operations, subject to the County's compliance with its applicable obligations hereunder.

d) Updated Documentation. The Contractor agrees to provide the County with revised, modified, and/or updated Documentation that reflects the enhancements/changes/modifications (including without limitation Updates, Upgrades, or Releases) made to the VMS throughout the term of the Contract.

ARTICLE 7. CONTRACT TERM

The Contract shall become effective on the date that it is signed by the County or the Contractor, whichever is later and shall be for the duration of five (5) years. The County, at its sole discretion, reserves the right to exercise the option to renew this Contract for three (3)

additional five (5) year periods. The County reserves the right to exercise its option to extend this Contract for up to one hundred-eighty (180) calendar days beyond the current Contract period and will notify the Contractor in writing of the extension. This Contract may be extended beyond the initial one hundred-eighty (180) calendar day extension period by mutual agreement between the County and the Contractor, upon approval by the Board of County Commissioners.

ARTICLE 8. HOSTING, MAINTENANCE, AND SUPPORT SERVICES

a) Contractor Obligations. Contract shall provide the County with the required hosting, maintenance, and support services for the VMS as set forth in Appendix D "Maintenance and Support Level Agreement."

b) Commencement of Maintenance. Maintenance shall commence upon "Go Live" for Part I as described in Appendix A "Scope of Services" and Appendix C "Project Timeline." The charge for Maintenance is included in the Recurring Feeds charged under this Agreement and as further defined in Appendix B "Payment Schedule."

ARTICLE 9. CONFIGURATION SERVICES

a) The County shall accept or reject the BWC Deliverables and the VMS within fifteen business (15) days of receipt unless otherwise provided elsewhere in this Agreement.

b) If the Contractor fails to provide deliverables within the time specified or if the VMS and/or BWC Deliverables delivered fails to conform to the requirements or are found to be defective in material or workmanship, then the County may reject the delivered VMS and/or BWC Deliverable or may accept any item of VMS and/or BWC Deliverable and reject the balance of the delivered VMS and/or BWC Deliverable. The County shall notify Contractor of such rejection in writing and specify in such notice, the reasons for such rejection. Contractor agrees to deliver a fix or workaround replacement for the VMS and/or BWC Deliverables for such items of rejected Deliverables and/or VMS within fifteen (15) business days of Contractor's receipt of the County's rejection notice.

c) Unless otherwise agreed to by the County, Contractor agrees as part of the VMS deployment and configuration services to perform all required activities to successfully achieve all objectives set forth in the scope of work , including, but not limited to, (a) system configuration; (b) interface development ; (c) software testing; (d) acceptance and user acceptance testing; (e) training; (f) hosting; (g) maintenance support services; (h) cooperating with all other vendors supplying peripheral or ancillary applications that will interface with the System; and (i) any additional services necessary to ensure Contractor's compliance with this Article 11.

d) BWC and VMS testing shall consist of the tests described in the Scope of Services which are to be conducted collectively by the Contractor and the County. The purpose of these tests is to demonstrate the complete operability of the BWC's and the VMS in conformance with the requirements of the Contract. This will include an actual demonstration of all required VMS functionality. All tests shall be in accordance with test plans and procedures prepared by Contractor and previously approved by the County. In the event of any outstanding deficiencies at the conclusion of installation testing, as determined by the County, Contractor shall be responsible for instituting necessary corrective measures, and for subsequently satisfactorily demonstrating and/or re-demonstrating system performance.

ARTICLE 10. TESTS

The Contractor shall configure and program the VMS to conform to the Scope of Services. The VMS and associated BWC's will be subject to several tests, including a System Acceptance test as further defined in the Scope of Services, Implementation Plan, and Acceptance Criteria to be developed and agreed by both parties. To assure VMS performance, the County's Project manager will coordinate all testing of the VMS and provide Final Acceptance upon completion of all milestones and deliverables as outlined in the Scope of Services.

Failure of the VMS to satisfy the acceptance criteria and conform to the requirements set forth in the Scope of Services by the timeframes set forth in the Implementation Timeline may result in the County withholding payment until satisfactory acceptance is granted to the Contractor.

After Final Acceptance is granted, any modifications, fixes, enhancements, and/or new releases of the Software System require separate testing periods and sign-off from the County Project Manager prior to migrating it into the production software. The testing protocol shall be as follows:

a) Contractor's Project Manager will provide written notice to the County Project Manager of modifications, fixes, enhancements, and/or new releases of the software available for testing.
b) The Contractor's Project Manager will coordinate all user acceptance testing dates, acceptance criteria, and training for the new functionality for the test group.
c) The County will be granted five (5) business days or other timeframe agreed to by both parties in writing to perform testing based on the outlined functionality being delivered to the County on the Acceptance Criteria sign off sheet;
d) The County's Project Manager will provide the Contractor with written notice of acceptance (sign-off) or rejection (with documented material nonconformities in the functionality) within 5 business days, unless more time is needed, in which case the County will notify the Contractor in writing accordingly;
e) Deficiencies found will be noted on the Acceptance Criteria sign off sheet and the Contractor will be provided an opportunity to correct the issues. The Contractor will be required to provide the County with an updated timeline and work around (fix) within three (3) business days unless additional time is requested in writing and agreed by both parties;
f) Once the release is accepted, the functionality will be moved into the production module. And updated documentation will be provided to the County;

ARTICLE 11. WARRANTIES

a) Ownership. The Contractor represents that it is the owner of the entire right, title, and interest in and to VMS, and that it has the sole right to grant licenses there under, and that it has not knowingly granted licenses there under to any other entity that would restrict rights granted hereunder except as stated herein.

b) Limited Warranty. Contractor represents and warrants to the County that the VMS, when properly installed by the County, will perform substantially as described in Contractor's then current Documentation for such Software for a period of one year from the date of acceptance.

c) Hardware Warranty. Contractor represents and warrants to the County that the BWC devices and all associated hardware shall include a one year full warranty and support. Extended warranty shall be offered for all devices upon expiration of the included one year warranty.

ARTICLE 12. SOFTWARE ESCROW

The Contractor shall be required to enter into a software escrow agreement with a licensed third party agent to house the source code. No third party invoicing shall be allowed.

ARTICLE 13. NOTICE REQUIREMENTS

All notices required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if delivered by Registered or Certified Mail, with return receipt requested; or delivered personally; or delivered via fax or e-mail (if provided below) and followed with delivery of hard copy; and in any case addressed as follows:

(1) to the County

a) to the Project Manager:

Miami-Dade Police Department

Attention: Captain Gustavo Duarte
Phone: 305-471-1990
E-mail: U302862@miamidade.gov

and,
b) to the Contract Manager:

Miami-Dade County
Internal Services Department,
Procurement Management Services Division
111 N.W. 1st Street, Suite 1300
Miami, FL 33128-1974

Attention:
Phone:
Fax:
E-mail:

(2) To the Contractor

Attention:
Phone:
Fax:
E-mail:

Either party may at any time designate a different address and/or contact person by giving notice as provided above to the other party. Such notices shall be deemed given upon receipt by the addressee.

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ARTICLE 14. PAYMENT FOR SERVICES/AMOUNT OBLIGATED

The County shall pay the Fees or other considerations for Products and Services provided under this contract. All amounts payable to the Contractor upon invoice. The County shall have no obligation to pay the Contractor any additional sum in excess of this amount, except for a change and/or modification to the Contract, which is approved and executed in writing by the County and the Contractor.

All Services undertaken by the Contractor before County's approval of this Contract shall be at the Contractor's risk and expense.

With respect to travel costs and travel-related expenses, the Contractor agrees to adhere to Section 112.061 of the Florida Statutes as they pertain to out-of-pocket expenses, including employee lodging, transportation, per diem, and all miscellaneous cost and fees. The County shall not be liable for any such expenses that have not been approved in advance, in writing, by the County.

ARTICLE 15. PRICING

Prices shall remain firm and fixed for the term of the Contract, including any option or extension periods; however, the Contractor may offer incentive discounts to the County at any time during the Contract term, including any renewal or extension thereof.

ARTICLE 16. METHOD AND TIMES OF PAYMENT

The Contractor agrees that under the provisions of this Agreement, as reimbursement for those actual, reasonable and necessary costs incurred by the Contractor, which are directly attributable or properly allocable to the Services, the Contractor may bill the County periodically, but not more than once per month, upon invoices certified by the Contractor pursuant to Appendix B – Price Schedule. All invoices shall be taken from the books of account kept by the Contractor, shall be supported by copies of payroll distribution, receipt bills or other documents reasonably required by the County, shall show the County's contract number, and shall have a unique invoice number assigned by the Contractor. It is the policy of Miami-Dade County that payment for all purchases by County agencies and the Public Health Trust shall be made in a timely manner and that interest payments be made on late payments. In accordance with Florida Statutes, Section 218.74 and Section 2-8.1.4 of the Miami-Dade County Code, the time at which payment shall be due from the County or the Public Health Trust shall be forty-five (45) days from receipt of a proper invoice. The time at which payment shall be due to small businesses shall be thirty (30) days from receipt of a proper invoice. All payments due from the County or the Public Health Trust, and not made within the time specified by this section shall bear interest from thirty (30) days after the due date at the rate of one percent (1%) per month on the unpaid balance. Further, proceedings to resolve disputes for payment of obligations shall be concluded by final written decision of the County Mayor, or his or her designee(s), not later than sixty (60) days after the date on which the proper invoice was received by the County or the Public Health Trust.

In accordance with Miami-Dade County Implementing Order 3-9, Accounts Receivable Adjustments, if money is owed by the Contractor to the County, whether under this Contract or for any other purpose, the County reserves the right to retain such amount from payment due by County to the Contractor under this Contract. Such retained amount shall be applied to the amount owed by the Contractor to the County. The Contractor shall have no further claim to such retained amounts which shall be deemed full accord and satisfaction of the amount due by

the County to the Contractor for the applicable payment due herein.

Invoices and associated back-up documentation shall be submitted in duplicate by the Contractor to the County as follows:

Miami-Dade County
_____
_____
_____
Attention: _____

The County may at any time designate a different address and/or contact person by giving written notice to the other party.

ARTICLE 17. INDEMNIFICATION AND INSURANCE

Contractor shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Contractor or its employees, agents, servants, partners principals or subcontractors. Contractor shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Contractor expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by Contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

The Contractor shall furnish to the Internal Services Department, Procurement Management Division, Certificate(s) of Insurance which indicate that insurance coverage has been obtained which meets the requirements as outlined below:

A. Worker's Compensation Insurance for all employees of the Contractor as required by Florida Statute 440.

B. Commercial General Liability Insurance on a comprehensive basis to include products liability, in an amount not less than $500,000 combined single limit per occurrence for bodily injury and property damage. **Miami-Dade County must be shown as an additional insured with respect to this coverage.**

C. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the work, in an amount not less than $500,000 combined single limit per occurrence for bodily injury and property damage.

D. Cyber Liability Insurance to include Privacy and Media Liability in an amount not less than $1,000,000 per occurrence.

All insurance policies required above shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

The company must be rated no less than "A-" as to management, and no less than "Class VII" as to financial strength by Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the County Risk Management Division.

or

The company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to Do Business in Florida" issued by the State of Florida Department of Financial Services.

CERTIFICATE HOLDER MUST READ: MIAMI-DADE COUNTY
111 NW 1st STREET
SUITE 2340
MIAMI, FL 33128

Compliance with the foregoing requirements shall not relieve the Contractor of this liability and obligation under this section or under any other section in this Agreement.

Award of this Contract is contingent upon the receipt of the insurance documents, as required, within ten (10) business days. If the insurance certificate is received within the specified timeframe but not in the manner prescribed in this Agreement, the Contractor shall have an additional five (5) business days to submit a corrected certificate to the County. If the Contractor fails to submit the required insurance documents in the manner prescribed in this Agreement within fifteen (15) business days, the Contractor shall be in default of the contractual terms and conditions and award of the Contract may be rescinded, unless such timeframe for submission has been extended by the County.

The Contractor shall be responsible for ensuring that the insurance certificates required in conjunction with this Section remain in force for the duration of the contractual period of the Contract, including any and all option years or extension periods that may be granted by the County. If insurance certificates are scheduled to expire during the contractual period, the Contractor shall be responsible for submitting new or renewed insurance certificates to the County at a minimum of thirty (30) calendar days in advance of such expiration. In the event that expired certificates are not replaced with new or renewed certificates which cover the contractual period, the County shall suspend the Contract until such time as the new or renewed certificates are received by the County in the manner prescribed herein; provided, however, that this suspended period does not exceed thirty (30) calendar days. Thereafter, the County may, at its sole discretion, terminate this contract.

ARTICLE 18. MANNER OF PERFORMANCE

a) The Contractor shall provide the Services described herein in a competent and professional manner satisfactory to the County in accordance with the terms and conditions of this Agreement. The County shall be entitled to a satisfactory performance of all Services described herein and to full and prompt cooperation by the Contractor in all aspects of the Services. At the request of the County, the Contractor shall promptly remove from the project any Contractor's employee, subcontractor, or any other person performing Services hereunder. The Contractor agrees that such removal of any of its employees does not require the termination or demotion of any employee by the

Contractor.

b) The Contractor agrees to defend, hold harmless and indemnify the County and shall be liable and responsible for any and all claims, suits, actions, damages and costs (including attorney's fees and court costs) made against the County, occurring on account of, arising from or in connection with the removal and replacement of any Contractor's personnel performing services hereunder at the behest of the County. Removal and replacement of any Contractor's personnel as used in this Article shall not require the termination and or demotion of such Contractor's personnel.

c) The Contractor agrees that at all times it will employ, maintain and assign to the performance of the Services a sufficient number of competent and qualified professionals and other personnel to meet the requirements to which reference is hereinafter made. The Contractor agrees to adjust its personnel staffing levels or to replace any its personnel if so directed upon reasonable request from the County, should the County make a determination, in its sole discretion, that said personnel staffing is inappropriate or that any individual is not performing in a manner consistent with the requirements for such a position.

d) The Contractor warrants and represents that its personnel have the proper skill, training, background, knowledge, experience, rights, authorizations, integrity, character and licenses as necessary to perform the Services described herein, in a competent and professional manner.

e) The Contractor shall at all times cooperate with the County and coordinate its respective work efforts to most effectively and efficiently maintain the progress in performing the Services.

f) The Contractor shall comply with all provisions of all federal, state and local laws, statutes, ordinances, and regulations that are applicable to the performance of this Agreement.

ARTICLE 19. EMPLOYEES OF THE CONTRACTOR

All employees of the Contractor shall be considered to be, at all times, employees of the Contractor under its sole direction and not employees or agents of the County. The Contractor shall supply competent employees. Miami-Dade County may require the Contractor to remove an employee it deems careless, incompetent, insubordinate or otherwise objectionable and whose continued employment on County property is not in the best interest of the County. Each employee shall have and wear proper identification.

ARTICLE 20. INDEPENDENT CONTRACTOR RELATIONSHIP

The Contractor is, and shall be, in the performance of all work services and activities under this Agreement, an independent contractor, and not an employee, agent or servant of the County. All persons engaged in any of the work or services performed pursuant to this Agreement shall at all times, and in all places, be subject to the Contractor's sole direction, supervision and control. The Contractor shall exercise control over the means and manner in which it and its employees perform the work, and in all respects the Contractor's relationship and the relationship of its employees to the County shall be that of an independent contractor and not as employees and agents of the County.

The Contractor does not have the power or authority to bind the County in any promise, agreement or representation other than specifically provided for in this Agreement.

ARTICLE 21. AUTHORITY OF THE COUNTY'S PROJECT MANAGER

a) The Contractor hereby acknowledges that the County's Project Manager will determine in the first instance all questions of any nature whatsoever arising out of, under, or in connection with, or in any way related to or on account of, this Agreement including without limitations: questions as to the value, acceptability and fitness of the Services; questions as to either party's fulfillment of its obligations under the Contract; negligence, fraud or misrepresentation before or subsequent to acceptance of the Contractor's Proposal; questions as to the interpretation of the Scope of Services; and claims for damages, compensation and losses.

b) The Contractor shall be bound by all determinations or orders and shall promptly comply with every order of the Project Manager, including the withdrawal or modification of any previous order and regardless of whether the Contractor agrees with the Project Manager's determination or order. Where orders are given orally, they will be issued in writing by the Project Manager as soon thereafter as is practicable.

c) The Contractor must, in the final instance, seek to resolve every difference concerning the Agreement with the Project Manager. In the event that the Contractor and the Project Manager are unable to resolve their difference, the Contractor may initiate a dispute in accordance with the procedures set forth in this Article. Exhaustion of these procedures shall be a condition precedent to any lawsuit permitted hereunder.

d) In the event of such dispute, the parties to this Agreement authorize the County Mayor or designee, who may not be the Project Manager or anyone associated with this Project, acting personally, to decide all questions arising out of, under, or in connection with, or in any way related to or on account of the Agreement (including but not limited to claims in the nature of breach of contract, fraud or misrepresentation arising either before or subsequent to execution hereof) and the decision of each with respect to matters within the County Mayor's purview as set forth above shall be conclusive, final and binding on parties. Any such dispute shall be brought, if at all, before the County Mayor within 10 days of the occurrence, event or act out of which the dispute arises.

e) The County Mayor may base this decision on such assistance as may be desirable, including advice of experts, but in any event shall base the decision on an independent and objective determination of whether Contractor's performance or any Deliverable meets the requirements of this Agreement and any specifications with respect thereto set forth herein. The effect of any decision shall not be impaired or waived by any negotiations or settlements or offers made in connection with the dispute, whether or not the County Mayor participated therein, or by any prior decision of others, which prior decision shall be deemed subject to review, or by any termination or cancellation of the Agreement. All such disputes shall be submitted in writing by the Contractor to the County Mayor for a decision, together with all evidence and other pertinent information in regard to such questions, in order that a fair and impartial decision may be made. Whenever the County Mayor is entitled to exercise discretion or judgement or to make a determination or form an opinion pursuant to the provisions of this Article, such action shall be fair and impartial when exercised or taken. The County Mayor, as appropriate, shall render a decision in writing and deliver a copy of the same to the Contractor. Except as such remedies may be limited or waived elsewhere in the Agreement, Contractor reserves the right to pursue any remedies available under law after exhausting the provisions of this Article.

ARTICLE 22. MUTUAL OBLIGATIONS

a) This Agreement, including attachments and appendices to the Agreement, shall constitute the entire Agreement between the parties with respect hereto and supersedes all previous communications and representations or agreements, whether written or oral, with respect to the subject matter hereto unless acknowledged in writing by the duly authorized representatives of both parties.

b) Nothing in this Agreement shall be construed for the benefit, intended or otherwise, of any third party that is not a parent or subsidiary of a party or otherwise related (by virtue of ownership control or statutory control) to a party.

c) In those situations where this Agreement imposes an indemnity obligation on the Contractor, the County may, at its expense, elect to participate in the defense if the County should so choose. Furthermore, the County may at its own expense defend or settle any such claims if the Contractor fails to diligently defend such claims, and thereafter seek indemnity for costs from the Contractor.

ARTICLE 23. QUALITY ASSURANCE/QUALITY ASSURANCE RECORD KEEPING

The Contractor shall maintain, and shall require that its subcontractors and suppliers maintain, complete and accurate records to substantiate compliance with the requirements set forth in the Scope of Services. The Contractor and its subcontractors and suppliers, shall retain such records, and all other documents relevant to the Services furnished under this Agreement for a period of three (3) years from the expiration date of this Agreement and any extension thereof.

ARTICLE 24. AUDITS

The County, or its duly authorized representatives or governmental agencies, shall until the expiration of three (3) years after the expiration of this Agreement and any extension thereof, have access to and the right to examine and reproduce any of the Contractor's books, documents, papers and records and of its subcontractors and suppliers which apply to all matters of the County. Such records shall subsequently conform to Generally Accepted Accounting Principles requirements, as applicable, and shall only address those transactions related to this Agreement.

Pursuant to Section 2-481 of the Miami-Dade County Code, the Contractor will grant access to the Commission Auditor to all financial and performance related records, property, and equipment purchased in whole or in part with government funds. The Contractor agrees to maintain an accounting system that provides accounting records that are supported with adequate documentation, and adequate procedures for determining the allowability and allocability of costs.

ARTICLE 25. SUBSTITUTION OF PERSONNEL

In the event the Contractor wishes to substitute personnel for the key personnel identified by the Contractor's Proposal, the Contractor must notify the County in writing and request written approval for the substitution at least ten (10) business days prior to effecting such substitution.

ARTICLE 26. CONSENT OF THE COUNTY REQUIRED FOR ASSIGNMENT

The Contractor shall not assign, transfer, convey or otherwise dispose of this Agreement, including its rights, title or interest in or to the same or any part thereof without the prior written consent of the County.

ARTICLE 27. SUBCONTRACTUAL RELATIONS

a) If the Contractor will cause any part of this Agreement to be performed by a Subcontractor, the provisions of this Contract will apply to such Subcontractor and its officers, agents and employees in all respects as if it and they were employees of the Contractor; and the Contractor will not be in any manner thereby discharged from its obligations and liabilities hereunder, but will be liable hereunder for all acts and negligence of the Subcontractor, its officers, agents, and employees, as if they were employees of the Contractor. The services performed by the Subcontractor will be subject to the provisions hereof as if performed directly by the Contractor.

b) The Contractor, before making any subcontract for any portion of the services, will state in writing to the County the name of the proposed Subcontractor, the portion of the Services which the Subcontractor is to do, the place of business of such Subcontractor, and such other information as the County may require. The County will have the right to require the Contractor not to award any subcontract to a person, firm or corporation disapproved by the County.

c) Before entering into any subcontract hereunder, the Contractor will inform the Subcontractor fully and completely of all provisions and requirements of this Agreement relating either directly or indirectly to the Services to be performed. Such Services performed by such Subcontractor will strictly comply with the requirements of this Contract.

d) In order to qualify as a Subcontractor satisfactory to the County, in addition to the other requirements herein provided, the Subcontractor must be prepared to prove to the satisfaction of the County that it has the necessary facilities, skill and experience, and ample financial resources to perform the Services in a satisfactory manner. To be considered skilled and experienced, the Subcontractor must show to the satisfaction of the County that it has satisfactorily performed services of the same general type which is required to be performed under this Agreement.

e) The County shall have the right to withdraw its consent to a subcontract if it appears to the County that the subcontract will delay, prevent, or otherwise impair the performance of the Contractor's obligations under this Agreement. All Subcontractors are required to protect the confidentiality of the County's and County's proprietary and confidential information. Contractor shall furnish to the County copies of all subcontracts between Contractor and Subcontractors and suppliers hereunder. Within each such subcontract, there shall be a clause for the benefit of the County in the event the County finds the Contractor in breach of this Contract, permitting the County to request completion by the Subcontractor of its performance obligations under the subcontract. The clause shall include an option for the County to pay the Subcontractor directly for the performance by such Subcontractor. Notwithstanding, the foregoing shall neither convey nor imply any obligation or liability on the part of the County to any subcontractor hereunder as more fully described herein.

ARTICLE 28. ASSUMPTION, PARAMETERS, PROJECTIONS, ESTIMATES AND EXPLANATIONS

The Contractor understands and agrees that any assumptions, parameters, projections, estimates and explanations presented by the County were provided to the Contractor for evaluation purposes only. However, since these assumptions, parameters, projections, estimates and explanations represent predictions of future events the County makes no representations or guarantees; and the County shall not be responsible for the accuracy of the assumptions presented; and the County shall not be responsible for conclusions to be drawn therefrom; and any assumptions, parameters, projections, estimates and explanations shall not form the basis of any claim by the Contractor. The Contractor accepts all risk associated with using this information.

ARTICLE 29. SEVERABILITY

If this Agreement contains any provision found to be unlawful, the same shall be deemed to be of no effect and shall be deemed stricken from this Agreement without affecting the binding force of this Agreement as it shall remain after omitting such provision.

ARTICLE 30. TERMINATION AND SUSPENSION OF WORK

a) The County may terminate this Agreement if an individual or corporation or other entity attempts to meet its contractual obligation with the County through fraud, misrepresentation or material misstatement.

b) The County may, as a further sanction, terminate or cancel any other contract(s) that such individual or corporation or other entity has with the County and that such individual, corporation or other entity shall be responsible for all direct and indirect costs associated with such termination or cancellation, including attorney's fees.

c) The foregoing notwithstanding, any individual, corporation or other entity which attempts to meet its contractual obligations with the County through fraud, misrepresentation or material misstatement may be debarred from County contracting for up to five (5) years in accordance with the County debarment procedures. The Contractor may be subject to debarment for failure to perform and all other reasons set forth in Section 10-38 of the County Code.

d) In addition to cancellation or termination as otherwise provided in this Agreement, the County may at any time, in its sole discretion, with or without cause, terminate this Agreement by written notice to the Contractor.

e) In the event that the County exercises its right to terminate this Agreement, the Contractor shall, upon receipt of such notice, unless otherwise directed by the County:

   i. stop work on the date specified in the notice ("the Effective Termination Date");

   ii. take such action as may be necessary for the protection and preservation of the County's materials and property;

   iii. cancel orders;

   iv. assign to the County and deliver to any location designated by the County any non-cancelable orders for Deliverables that are not capable of use except in the performance of this Agreement and has been specifically developed for the sole

purpose of this Agreement and not incorporated in the Services;

v. take no action which will increase the amounts payable by the County under this Agreement; and

f) In the event that the County exercises its right to terminate this Agreement, the Contractor will be compensated as stated in the payment Articles herein for the:

i. portion of the Services completed in accordance with the Agreement up to the Effective Termination Date; and

ii. non-cancelable Deliverables that are not capable of use except in the performance of this Agreement and has been specifically developed for the sole purpose of this Agreement, but not incorporated in the Services.

g) All compensation pursuant to this Article are subject to audit.

ARTICLE 31. EVENT OF DEFAULT

The following is subject to the terms of Article 25 and 26:

a) An Event of Default shall mean a breach of this Agreement by the Contractor. Without limiting the generality of the foregoing, and in addition to those instances referred to herein as a breach, an Event of Default shall include the following:

i. the Contractor has not delivered Deliverables on a timely basis;

ii. the Contractor has refused or failed to supply enough properly skilled staff personnel;

iii. the Contractor has failed to make prompt payment to subcontractors or suppliers for any Services;

iv. the Contractor has become insolvent (other than as interdicted by the bankruptcy laws), or has assigned the proceeds received for the benefit of the Contractor's creditors, or the Contractor has taken advantage of any insolvency statute or debtor/creditor law or if the Contractor's affairs have been put in the hands of a receiver;

v. the Contractor has failed to obtain the approval of the County where required by this Agreement;

vi. the Contractor has failed to provide "adequate assurances" as required under subsection b below;

vii. the Contractor has failed in the representation of any warranties stated herein.

b) When, in the opinion of the County, reasonable grounds for uncertainty exist with respect to the Contractor's ability to perform the Services or any portion thereof, the County may request that the Contractor, within the timeframe set forth in the County's request, provide adequate assurances to the County, in writing, of the Contractor's ability to perform in accordance with the terms of this Agreement. Until the County receives such assurances, the County may request an adjustment to the compensation received by the Contractor for portions of the Services which the Contractor has not performed.

In the event that the Contractor fails to provide to the County the requested assurances within the prescribed timeframe, the County may:

i. treat such failure as a repudiation of this Agreement; and

ii. resort to any remedy for breach provided herein or at law, including but not limited to, taking over the performance of the Services or any part thereof either by itself or through others.

c) In the event the County shall terminate this Agreement for default, the County or its designated representatives may immediately take possession of all applicable equipment, materials, products, documentation, reports and data.

ARTICLE 32. NOTICE OF DEFAULT - OPPORTUNITY TO CURE

If an Event of Default occurs in the determination of the County, the County may so notify the Contractor ("Default Notice"), specifying the basis for such default, and advising the Contractor that such default must be cured immediately or this Agreement with the County may be terminated. Notwithstanding, the County may, in its sole discretion, allow the Contractor to rectify the default to the County's reasonable satisfaction within a thirty (30) day period. The County may grant an additional period of such duration as the County shall deem appropriate without waiver of any of the County's rights hereunder, so long as the Contractor has commenced curing such default and is effectuating a cure with diligence and continuity during such thirty (30) day period or any other period which the County prescribes. The default notice shall specify the date the Contractor shall discontinue the Services upon the Termination Date.

ARTICLE 33. REMEDIES IN THE EVENT OF DEFAULT

If an Event of Default occurs, the Contractor shall be liable for all damages resulting from the default, including but not limited to:

a) lost revenues;

b) the difference between the cost associated with procuring Services hereunder and the amount actually expended by the County for re-procurement of Services, including procurement and administrative costs; and

c) such other direct damages.

The Contractor shall also remain liable for any liabilities and claims related to the Contractor's default. The County may also bring any suit or proceeding for specific performance or for an injunction.

ARTICLE 34. PATENT AND COPYRIGHT INDEMNIFICATION

a) The Contractor shall not infringe on any copyrights, trademarks, service marks, trade secrets, patent rights, other intellectual property rights or any other third party proprietary rights in the performance of the Work.

b) The Contractor warrants that all Deliverables furnished hereunder, including but not limited to: equipment, programs, documentation, software, analyses, applications, methods, ways, processes, and the like, do not infringe upon or violate any copyrights,

trademarks, service marks, trade secrets, patent rights, other intellectual property rights or any other third party proprietary rights.

c) The Contractor shall be liable and responsible for any and all claims made against the County for infringement of patents, copyrights, service marks, trade secrets or any other third party proprietary rights, by the use or supplying of any programs, documentation, software, analyses, applications, methods, ways, processes, and the like, in the course of performance or completion of, or in any way connected with, the Work, or the County's continued use of the Deliverables furnished hereunder. Accordingly, the Contractor at its own expense, including the payment of attorney's fees, shall indemnify, and hold harmless the County and defend any action brought against the County with respect to any claim, demand, cause of action, debt, or liability.

d) In the event any Deliverable or anything provided to the County hereunder, or portion thereof is held to constitute an infringement and its use is or may be enjoined, the Contractor shall have the obligation to, at the County's option to (i) modify, or require that the applicable subcontractor or supplier modify, the alleged infringing item(s) at its own expense, without impairing in any respect the functionality or performance of the item(s), or (ii) procure for the County, at the Contractor's expense, the rights provided under this Agreement to use the item(s).

e) The Contractor shall be solely responsible for determining and informing the County whether a prospective supplier or subcontractor is a party to any litigation involving patent or copyright infringement, service mark, trademark, violation, or proprietary rights claims or is subject to any injunction which may prohibit it from providing any Deliverable hereunder. The Contractor shall enter into agreements with all suppliers and subcontractors at the Contractor's own risk. The County may reject any Deliverable that it believes to be the subject of any such litigation or injunction, or if, in the County's judgment, use thereof would delay the Work or be unlawful.

ARTICLE 35. CONFIDENTIALITY

a) All Developed Works and other materials, data, transactions of all forms, financial information, documentation, inventions, designs and methods obtained from the County in connection with the Services performed under this Agreement, made or developed by the Contractor or its subcontractors in the course of the performance of such Services, or the results of such Services, or which the County holds the proprietary rights, constitute Confidential Information and may not, without the prior written consent of the County, be used by the Contractor or its employees, agents, subcontractors or suppliers for any purpose other than for the benefit of the County, unless required by law. In addition to the foregoing, all County employee information and County financial information shall be considered Confidential Information and shall be subject to all the requirements stated herein. Neither the Contractor nor its employees, agents, subcontractors or suppliers may sell, transfer, publish, disclose, display, license or otherwise make available to others any part of such Confidential Information without the prior written consent of the County. Additionally, the Contractor expressly agrees to be bound by and to defend, indemnify and hold harmless the County, and their officers and employees from the breach of any federal, state or local law in regard to the privacy of individuals.

b) The Contractor shall advise each of its employees, agents, subcontractors and suppliers who may be exposed to such Confidential Information of their obligation to keep such information confidential and shall promptly advise the County in writing if it learns of any unauthorized use or disclosure of the Confidential Information by any of its employees or agents, or subcontractor's or supplier's employees, present or former. In addition, the

Contractor agrees to cooperate fully and provide any assistance necessary to ensure the confidentiality of the Confidential Information.

c) It is understood and agreed that in the event of a breach of this Article damages may not be an adequate remedy and the County shall be entitled to injunctive relief to restrain any such breach or threatened breach. Unless otherwise requested by the County, upon the completion of the Services performed hereunder, the Contractor shall immediately turn over to the County all such Confidential Information existing in tangible form, and no copies thereof shall be retained by the Contractor or its employees, agents, subcontractors or suppliers without the prior written consent of the County. A certificate evidencing compliance with this provision and signed by an officer of the Contractor shall accompany such materials.

ARTICLE 36. PROPRIETARY INFORMATION

As a political subdivision of the State of Florida, Miami-Dade County is subject to the stipulations of Florida's Public Records Law.

The Contractor acknowledges that all computer software in the County's possession may constitute or contain information or materials which the County has agreed to protect as proprietary information from disclosure or unauthorized use and may also constitute or contain information or materials which the County has developed at its own expense, the disclosure of which could harm the County's proprietary interest therein.

During the term of the contract, the Contractor will not use directly or indirectly for itself or for others, or publish or disclose to any third party, or remove from the County's property, any computer programs, data compilations, or other software which the County has developed, has used or is using, is holding for use, or which are otherwise in the possession of the County (hereinafter "Computer Software"). All third-party license agreements must also be honored by the contractors and their employees, except as authorized by the County and, if the Computer Software has been leased or purchased by the County, all hired party license agreements must also be honored by the contractors' employees with the approval of the lessor or Contractors thereof. This includes mainframe, minis, telecommunications, personal computers and any and all information technology software.

The Contractor will report to the County any information discovered or which is disclosed to the Contractor which may relate to the improper use, publication, disclosure or removal from the County's property of any information technology software and hardware and will take such steps as are within the Contractor's authority to prevent improper use, disclosure or removal.

ARTICLE 37. PROPRIETARY RIGHTS

a) The Contractor hereby acknowledges and agrees that the County retains all rights, title and interests in and to all materials, data, documentation and copies thereof furnished by the County to the Contractor hereunder or furnished by the Contractor to the County and/or created by the Contractor for delivery to the County, even if unfinished or in process, as a result of the Services the Contractor performs in connection with this Agreement, including all copyright and other proprietary rights therein, which the Contractor as well as its employees, agents, subcontractors and suppliers may use only in connection with the performance of Services under this Agreement. The Contractor shall not, without the prior written consent of the County, use such documentation on any other project in which the Contractor or its employees, agents, subcontractors or suppliers are or may become engaged. Submission or distribution by the Contractor to

meet official regulatory requirements or for other purposes in connection with the performance of Services under this Agreement shall not be construed as publication in derogation of the County's copyrights or other proprietary rights.

b) All rights, title and interest in and to certain inventions, ideas, designs and methods, specifications and other documentation related thereto developed by the Contractor and its subcontractors specifically for the County, hereinafter referred to as "Developed Works" shall become the property of the County.

c) Accordingly, neither the Contractor nor its employees, agents, subcontractors or suppliers shall have any proprietary interest in such Developed Works. The Developed Works may not be utilized, reproduced or distributed by or on behalf of the Contractor, or any employee, agent, subcontractor or supplier thereof, without the prior written consent of the County, except as required for the Contractor's performance hereunder.

d) Except as otherwise provided in subsections a, b, and c above, or elsewhere herein, the Contractor and its subcontractors and suppliers hereunder shall retain all proprietary rights in and to all Licensed Software provided hereunder, that have not been customized to satisfy the performance criteria set forth in the Scope of Services. Notwithstanding the foregoing, the Contractor hereby grants, and shall require that its subcontractors and suppliers grant, if the County so desires, a perpetual, irrevocable and unrestricted right and license to use, duplicate, disclose and/or permit any other person(s) or entity(ies) to use all such Licensed Software and the associated specifications, technical data and other Documentation for the operations of the County or entities controlling, controlled by, under common control with, or affiliated with the County, or organizations which may hereafter be formed by or become affiliated with the County. Such license specifically includes, but is not limited to, the right of the County to use and/or disclose, in whole or in part, the technical documentation and Licensed Software, including source code provided hereunder, to any person or entity outside the County for such person's or entity's use in furnishing any and/or all of the Deliverables provided hereunder exclusively for the County or entities controlling, controlled by, under common control with, or affiliated with the County, or organizations which may hereafter be formed by or become affiliated with the County. No such License Software, specifications, data, documentation or related information shall be deemed to have been given in confidence and any statement or legend to the contrary shall be void and of no effect.

ARTICLE 38. VENDOR REGISTRATION/CONFLICT OF INTEREST

a) Vendor Registration
The Contractor shall be a registered vendor with the County – Internal Services Department, Procurement Management Division, for the duration of this Agreement. In becoming a Registered Vendor with Miami-Dade County, the Contractor confirms its knowledge of and commitment to comply with the following:

1. ***Miami-Dade County Ownership Disclosure Affidavit***
(Section 2-8.1 of the County Code)

2. ***Miami-Dade County Employment Disclosure Affidavit***
(Section 2.8-1(d)(2) of the County Code)

3. ***Miami-Dade Employment Drug-free Workplace Certification***
(Section 2-8.1.2(b) of the County Code)

4. ***Miami-Dade Disability and Nondiscrimination Affidavit***
(Section 2-8.1.5 of the County Code*)*

5. ***Miami-Dade County Debarment Disclosure Affidavit***
(Section 10.38 of the County Code)

6. ***Miami-Dade County Vendor Obligation to County Affidavit***
(Section 2-8.1 of the County Code)

7. ***Miami-Dade County Code of Business Ethics Affidavit***
(Section 2-8.1(i) and 2-11(b)(1) of the County Code through (6) and (9) of the County Code and Section 2-11.1(c) of the County Code)

8. ***Miami-Dade County Family Leave Affidavit***
(Article V of Chapter 11 of the County Code)

9. ***Miami-Dade County Living Wage Affidavit***
(Section 2-8.9 of the County Code)

10. ***Miami-Dade County Domestic Leave and Reporting Affidavit***
(Article 8, Section 11A-60 11A-67 of the County Code)

11. ***Subcontracting Practices***
(Ordinance 97-35)

12. ***Subcontractor /Supplier Listing***
(Section 2-8.8 of the County Code)

13. ***Environmentally Acceptable Packaging***
(Resolution R-738-92)

14. ***W-9 and 8109 Forms***
(as required by the Internal Revenue Service)

15. ***FEIN Number or Social Security Number***
In order to establish a file, the Contractor's Federal Employer Identification Number (FEIN) must be provided. If no FEIN exists, the Social Security Number of the owner or individual must be provided. This number becomes Contractor's "County Vendor Number". To comply with Section 119.071(5) of the Florida Statutes relating to the collection of an Individual's Social Security Number, be aware that the County requests the Social Security Number for the following purposes:
- Identification of individual account records
- To make payments to individual/Contractor for goods and services provided to Miami-Dade County
- Tax reporting purposes
- To provide a unique identifier in the vendor database that may be used for searching and sorting departmental records

16. ***Office of the Inspector General***
(Section 2-1076 of the County Code)

17. ***Small Business Enterprises***
The County endeavors to obtain the participation of all small business enterprises pursuant to Sections 2-8.2, 2-8.2.3 and 2-8.2.4 of the County Code and Title 49 of the Code of Federal Regulations.

18. ***Antitrust Laws***
By acceptance of any contract, the Contractor agrees to comply with all antitrust laws of the United States and the State of Florida.

b) Conflict of Interest
Section 2-11.1(d) of Miami-Dade County Code requires that any County employee or any member of the employee's immediate family who has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, competing or applying for a contract, must first request a conflict of interest opinion from the County's Ethics Commission prior to their or their immediate family member's entering into any contract or transacting any business through a firm, corporation, partnership or business entity in which the employee or any member of the employee's immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County. Any such contract or business engagement entered in violation of this subsection, as amended, shall be rendered voidable. For additional information, please contact the Ethics Commission hotline at (305) 579-2593.

ARTICLE 39. INSPECTOR GENERAL REVIEWS

Independent Private Sector Inspector General Reviews

Pursuant to Miami-Dade County Administrative Order 3-20, the County has the right to retain the services of an Independent Private Sector Inspector General (hereinafter "IPSIG"), whenever the County deems it appropriate to do so. Upon written notice from the County, the Contractor shall make available to the IPSIG retained by the County, all requested records and documentation pertaining to this Agreement for inspection and reproduction. The County shall be responsible for the payment of these IPSIG services, and under no circumstance shall the Contractor's prices and any changes thereto approved by the County, be inclusive of any charges relating to these IPSIG services. The terms of this provision apply to the Contractor, its officers, agents, employees, subcontractors and assignees. Nothing contained in this provision shall impair any independent right of the County to conduct an audit or investigate the operations, activities and performance of the Contractor in connection with this Agreement. The terms of this Article shall not impose any liability on the County by the Contractor or any

third party.

Miami-Dade County Inspector General Review

According to Section 2-1076 of the Code of Miami-Dade County, Miami-Dade County has established the Office of the Inspector General which may, on a random basis, perform audits on all County contracts, throughout the duration of said contracts, except as otherwise provided below. The cost of the audit for this Contract shall be one quarter (1/4) of one (1) percent of the total contract amount which cost shall be included in the total contract amount. The audit cost will be deducted by the County from progress payments to the Contractor. The audit cost shall also be included in all change orders and all contract renewals and extensions.

Exception: The above application of one quarter (1/4) of one percent fee assessment shall not apply to the following contracts: (a) IPSIG contracts; (b) contracts for legal services; (c) contracts for financial advisory services; (d) auditing contracts; (e) facility rentals and lease agreements; (f) concessions and other rental agreements; (g) insurance contracts; (h) revenue-generating contracts; (I) contracts where an IPSIG is assigned at the time the contract is approved by the Commission; (j) professional service agreements under $1,000; (k) management agreements; (l) small purchase orders as defined in Miami-Dade County Administrative Order 3-38; (m) federal, state and local government-funded grants; and (n) interlocal agreements. ***Notwithstanding the foregoing, the Miami-Dade County Board of County Commissioners may authorize the inclusion of the fee assessment of one quarter (1/4) of one percent in any exempted contract at the time of award.***

Nothing contained above shall in any way limit the powers of the Inspector General to perform audits on all County contracts including, but not limited to, those contracts specifically exempted above. The Miami-Dade County Inspector General is authorized and empowered to review past, present and proposed County and Public Health Trust contracts, transactions, accounts, records and programs. In addition, the Inspector General has the power to subpoena witnesses, administer oaths, require the production of records and monitor existing projects and programs. Monitoring of an existing project or program may include a report concerning whether the project is on time, within budget and in conformance with plans, specifications and applicable law. The Inspector General is empowered to analyze the necessity of and reasonableness of proposed change orders to the Contract. The Inspector General is empowered to retain the services of independent private sector inspectors general (IPSIG) to audit, investigate, monitor, oversee, inspect and review operations, activities, performance and procurement process, including but not limited to project design, specifications, proposal submittals, activities of the Contractor, its officers, agents and employees, lobbyists, County staff and elected officials to ensure compliance with contract specifications and to detect fraud and corruption.

Upon written notice to the Contractor from the Inspector General or IPSIG retained by the Inspector General, the Contractor shall make all requested records and documents available to the Inspector General or IPSIG for inspection and copying. The Inspector General and IPSIG shall have the right to inspect and copy all documents and records in the Contractor's possession, custody or control which, in the Inspector General's or IPSIG's sole judgment, pertain to performance of the contract, including, but not limited to original estimate files, change order estimate files, worksheets, proposals and agreements form and which successful and unsuccessful subcontractors and suppliers, all project-related correspondence, memoranda, instructions, financial documents, construction documents, proposal and contract documents, back-charge documents, all documents and records which involve cash, trade or volume discounts, insurance proceeds, rebates, or dividends received, payroll and personnel records, and supporting documentation for the aforesaid documents and records.

ARTICLE 40. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS

Contractor agrees to comply, subject to applicable professional standards, with the provisions of any and all applicable Federal, State and the County orders, statutes, ordinances, rules and regulations which may pertain to the Services required under this Agreement, including, but not limited to:

a) Equal Employment Opportunity (EEO), in compliance with Executive Order 11246 as amended and applicable to this Contract.

b) Miami-Dade County Florida, Department of Small Business Development Participation Provisions, as applicable to this Contract.

c) Environmental Protection Agency (EPA), as applicable to this Contract.

d) Miami-Dade County Code, Chapter 11A, Article 3. All contractors and subcontractors performing work in connection with this Contract shall provide equal opportunity for employment without regard to race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, or veteran status. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in a conspicuous place available for employees and applicants for employment, such notices as may be required by the Dade County Fair Housing and Employment Commission, or other authority having jurisdiction over the work setting forth the provisions of the nondiscrimination law.

e) "Conflicts of Interest" Section 2-11 of the County Code, and Ordinance 01-199.

f) Miami-Dade County Code Section 10-38 "Debarment".

g) Miami-Dade County Ordinance 99-5, codified at 11A-60 et. seq. of Miami-Dade Code pertaining to complying with the County's Domestic Leave Ordinance.

h) Miami-Dade County Ordinance 99-152, prohibiting the presentation, maintenance, or prosecution of false or fraudulent claims against Miami-Dade County.

The Contractor shall hold all licenses and/or certifications, obtain and pay for all permits and/or inspections, and comply with all laws, ordinances, regulations and building code requirements applicable to the work required herein. Damages, penalties, and/or fines imposed on the County or Contractor for failure to obtain and maintain required licenses, certifications, permits and/or inspections shall be borne by the Contractor. The Project Manager shall verify the certification(s), license(s), permit(s), etc. for the Contractor prior to authorizing work and as needed.

Notwithstanding any other provision of this Agreement, Contractor shall not be required pursuant to this Agreement to take any action or abstain from taking any action if such action or abstention would, in the good faith determination of the Contractor, constitute a violation of any law or regulation to which Contractor is subject, including but not limited to laws and regulations requiring that Contractor conduct its operations in a safe and sound manner.

ARTICLE 41. NONDISCRIMINATION

During the performance of this Contract, Contractor agrees to not discriminate against any

employee or applicant for employment because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, gender identity or gender expression, status as victim of domestic violence, dating violence, or stalking, or veteran status, and on housing related contracts the source of income, and will take affirmative action to ensure that employees and applicants are afforded equal employment opportunities without discrimination. Such action shall be taken with reference to, but not limited to: recruitment, employment, termination, rates of pay or other forms of compensation, and selection for training or retraining, including apprenticeship and on the job training.

By entering into this Contract, the Contractor attests that it is not in violation of the Americans with Disabilities Act of 1990 (and related Acts) or Miami-Dade County Resolution No. R-385-95. If the Contractor or any owner, subsidiary or other firm affiliated with or related to the Contractor is found by the responsible enforcement agency or the County to be in violation of the Act or the Resolution, such violation shall render this Contract void. This Contract shall be void if the Contractor submits a false affidavit pursuant to this Resolution or the Contractor violates the Act or the Resolution during the term of this Contract, even if the Contractor was not in violation at the time it submitted its affidavit.

ARTICLE 42. CONFLICT OF INTEREST

The Contractor represents that:

a) No officer, director, employee, agent, or other consultant of the County or a member of the immediate family or household of the aforesaid has directly or indirectly received or been promised any form of benefit, payment or compensation, whether tangible or intangible, in connection with the award of this Agreement.

b) There are no undisclosed persons or entities interested with the Contractor in this Agreement. This Agreement is entered into by the Contractor without any connection with any other entity or person making a proposal for the same purpose, and without collusion, fraud or conflict of interest. No elected or appointed officer or official, director, employee, agent or other consultant of the County, or of the State of Florida (including elected and appointed members of the legislative and executive branches of government), or a member of the immediate family or household of any of the aforesaid:

   i) is interested on behalf of or through the Contractor directly or indirectly in any manner whatsoever in the execution or the performance of this Agreement, or in the services, supplies or work, to which this Agreement relates or in any portion of the revenues; or

   ii) is an employee, agent, advisor, or consultant to the Contractor or to the best of the Contractor's knowledge any subcontractor or supplier to the Contractor.

c) Neither the Contractor nor any officer, director, employee, agency, parent, subsidiary, or affiliate of the Contractor shall have an interest which is in conflict with the Contractor's faithful performance of its obligation under this Agreement; provided that the County, in its sole discretion, may consent in writing to such a relationship, provided the Contractor provides the County with a written notice, in advance, which identifies all the individuals and entities involved and sets forth in detail the nature of the relationship and why it is in the County's best interest to consent to such relationship.

d) The provisions of this Article are supplemental to, not in lieu of, all applicable laws with respect to conflict of interest. In the event there is a difference between the standards applicable under this Agreement and those provided by statute, the stricter standard

shall apply.

e) In the event Contractor has no prior knowledge of a conflict of interest as set forth above and acquires information which may indicate that there may be an actual or apparent violation of any of the above, Contractor shall promptly bring such information to the attention of the County's Project Manager. Contractor shall thereafter cooperate with the County's review and investigation of such information, and comply with the instructions Contractor receives from the Project Manager in regard to remedying the situation.

ARTICLE 43. PRESS RELEASE OR OTHER PUBLIC COMMUNICATION

Under no circumstances shall the Contractor without the express written consent of the County:

a) Issue or permit to be issued any press release, advertisement or literature of any kind which refers to the County, or the Work being performed hereunder, unless the Contractor first obtains the written approval of the County. Such approval may be withheld if for any reason the County believes that the publication of such information would be harmful to the public interest or is in any way undesirable; and

b) Communicate in any way with any contractor, department, board, agency, commission or other organization or any person whether governmental or private in connection with the Services to be performed hereunder except upon prior written approval and instruction of the County; and

c) Except as may be required by law, the Contractor and its employees, agents, subcontractors and suppliers will not represent, directly or indirectly, that any product or service provided by the Contractor or such parties has been approved or endorsed by the County.

ARTICLE 44. BANKRUPTCY

The County reserves the right to terminate this contract, if, during the term of any contract the Contractor has with the County, the Contractor becomes involved as a debtor in a bankruptcy proceeding, or becomes involved in a reorganization, dissolution, or liquidation proceeding, or if a trustee or receiver is appointed over all or a substantial portion of the property of the Contractor under federal bankruptcy law or any state insolvency law.

ARTICLE 45. GOVERNING LAW

This Contract, including appendices, and all matters relating to this Contract (whether in contract, statute, tort (such as negligence), or otherwise) shall be governed by, and construed in accordance with, the laws of the State of Florida. Venue shall be Miami-Dade County.

ARTICLE 46. COUNTY USER ACCESS PROGRAM (UAP)

a) User Access Fee

Pursuant to Section 2-8.10 of the Miami-Dade County Code, this Contract is subject to a user access fee under the County User Access Program (UAP) in the amount of two percent (2%). All sales resulting from this Contract, or any contract resulting from the solicitation referenced on the first page of this Contract, and the utilization of the County Contract price and the terms and conditions identified herein, are subject to the two percent (2%) UAP. This fee applies to all Contract usage whether by County Departments or by any other governmental, quasi-governmental or not-for-profit entity.

The Contractor providing goods or services under this Contract shall invoice the Contract price and shall accept as payment thereof the Contract price less the 2% UAP as full and complete payment for the goods and/or services specified on the invoice. The County shall retain the 2% UAP for use by the County to help defray the cost of the procurement program. Contractor participation in this invoice reduction portion of the UAP is mandatory.

b) Joint Purchase

Only those entities that have been approved by the County for participation in the County's Joint Purchase and Entity Revenue Sharing Agreement are eligible to utilize or receive County Contract pricing and terms and conditions. The County will provide to approved entities a UAP Participant Validation Number. The Contractor must obtain the participation number from the entity prior to filling any order placed pursuant to this Section. Contractor participation in this joint purchase portion of the UAP, however, is voluntary. The Contractor shall notify the ordering entity, in writing, within three (3) business days of receipt of an order, of a decision to decline the order.

For all ordering entities located outside the geographical boundaries of Miami-Dade County, the Contractor shall be entitled to ship goods on an "FOB Destination, Prepaid and Charged Back" basis. This allowance shall only be made when expressly authorized by a representative of the ordering entity prior to shipping the goods.

The County shall have no liability to the Contractor for the cost of any purchase made by an ordering entity under the UAP and shall not be deemed to be a party thereto. All orders shall be placed directly by the ordering entity with the Contractor and shall be paid by the ordering entity less the 2% UAP.

c) Contractor Compliance

If a Contractor fails to comply with this Article, that Contractor may be considered in default by the County in accordance with Article 24 of this Contract.

ARTICLE 47. SURVIVAL

The parties acknowledge that any of the obligations in this contract will survive the term, termination and cancellation hereof. Accordingly, the respective obligations of the Contractor and the County under this contract, which by nature continue beyond the termination, cancellation or expiration thereof, shall survive termination, cancellation or expiration hereof.

ARTICLE 48. ANNUAL APPROPRIATION

The County's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Board of County Commissioners. Cancellation will not cause any penalty or expense to the County, except as to the portions of payments agreed upon and for which funds have been appropriated and budgeted. Support (service/maintenance) can be cancelled at any time that the Contractor is notified in writing, at least thirty (30) days prior to cancellation, subject to the terms of this contract. There will be no early termination charges from the Contractor for cancelling Support during the year due to non-appropriation.

ARTICLE 49. FORCE MAJEURE

Except as otherwise expressly provided herein, neither party hereto shall be considered in

default in the performance of its obligations hereunder to the extent that such performance is prevented or delayed by any cause, existing or future, which in not within the reasonable control of such party including, but not limited to, acts of God or the public enemy, fires, explosions, riots, strikes (not including strikes of the Contractor's staff personnel), terrorism or war. Notwithstanding the foregoing, the failures of any of the Contractor's suppliers, subcontractors, or the like shall not excuse the Contractor's performance except to the extent that such failures are due to any cause without the fault and reasonable control of such suppliers, subcontractors, or the like including, but not limited to, acts of God or the public enemy, fires, explosions, riots, strikes (not including strikes of the Contractor's staff personnel), terrorism or war.

ARTICLE 50. FIRST SOURCE HIRING REFERRAL PROGRAM

Pursuant to Section 2-2113 of the Code of Miami-Dade County, for all contracts for goods and services, the Contractor, prior to hiring to fill each vacancy arising under a County contract shall (1) first notify the South Florida Workforce Investment Board ("SFWIB"), the designated Referral Agency, of the vacancy and list the vacancy with SFWIB according to the Code, and (2) make good faith efforts as determined by the County to fill a minimum of fifty percent (50%) of its employment needs under the County contract through the SFWIB. If no suitable candidates can be employed after a Referral Period of three to five days, the Contractor is free to fill its vacancies from other sources. Contractor will be required to provide quarterly reports to the SFWIB indicating the name and number of employees hired in the previous quarter, or why referred candidates were rejected. Sanctions for non-compliance shall include, but not be limited to: (i) suspension of contract until Contractor performs obligations, if appropriate; (ii) default and/or termination; and (iii) payment of $1,500/employee, or the value of the wages that would have been earned given the noncompliance, whichever is less. Registration procedures and additional information regarding the FSHRP are available at https://iapps.southfloridaworkforce.com/firstsource/.

ARTICLE 51. PUBLIC RECORDS AND CONTRACTS FOR SERVICES PERFORMED ON BEHALF OF A PUBLIC AGENCY

The Contractor shall comply with the state of FL Public Records Law, s. 119.0701, F.S., specifically to: (1) keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the service; (2) provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law; (3) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and (4) meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the Contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency. If the Contractor does not comply with a public records request, the public agency shall enforce contract provisions in accordance with the contract.

ARTICLE 52. SURVIVAL

The parties acknowledge that any of the obligations in this Agreement will survive the term, termination and cancellation hereof. Accordingly, the respective obligations of the Contractor and the County under this Agreement, which by nature would continue beyond the termination, cancellation or expiration thereof, shall survive termination, cancellation or expiration hereof.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the contract date herein set forth below.

Contractor	Miami-Dade County
By: _____	By: _____
Name: _____	Name: Carlos A. Gimenez
Title: _____	Title: Mayor
Date: _____	Date: _____
Attest: _____ Corporate Secretary/Notary Public	Attest: _____ Clerk of the Board
Corporate Seal/Notary Seal	Approved as to form and legal sufficiency _____ Assistant County Attorney

DRAFT

Miami-Dade Police Department

	Body-Worn Camera System
A	Commission Report
B	Body-Worn Camera System – 30-Day Test
C	IACP Model Policy
D	PERF Implementing a Body-Worn Camera Program
E	Body-Worn Cameras for Criminal Justice: Market Survey
F	Rialto, California Police Department Study
G	ACLU Letter/2013 White Paper
H	MDPD Departmental Manual, Chapter 15 – Part 4 – Complaint, Counseling, and Discipline
I	Collective Bargaining Agreement Between Miami-Dade County, Florida and the Dade County Police Benevolent Association 10/01/11 to 09/30/14 (Article 9)
J	Police Foundation Publication: The Effect of Body-Worn Cameras on Police Use-of-Force
K	A Report on Body-Worn Cameras by Eugene P. Ramirez
L	Wall Street Journal Article – Police Cameras Bring Problems of Their Own
M	Additional Florida PBA Information

A

Commission Report

Report on the Benefits and Concerns Associated with Police Officer Body-Worn Cameras Specifically as they Relate to Miami-Dade County

The use of body-worn cameras (BWC) by law enforcement officers offers potential advantages in keeping officers safe, enabling situational awareness, improving community relations and accountability, and providing evidence for trials.

Miami-Dade Police Department (MDPD) staff has been exploring the utilization of BWC for patrol officers since the summer of 2013. Numerous publications, studies, newspapers, and magazine articles have been reviewed, market research of companies providing BWC has been conducted, a 30-day test was conducted with three different BWC companies, and contact was made with other local, state, and out-of-state police departments who are utilizing BWCs. Additionally, other departments' policies were reviewed along with the International Association of Chiefs of Police model policy and the Police Executive Research Forum's recommendations and lessons learned about implementing BWCs.

Members of the MDPD senior Command Staff have met to discuss implementation and policies for the use of BWC for our patrol officers with representatives of the Miami-Dade Office of the State Attorney, the Miami-Dade Public Defender's Office, the American Civil Liberties Union of Florida, and the Dade County Police Benevolent Association.

MDPD staff has completed a draft policy for the use of BWC by our personnel and MDPD senior Command Staff will again meet with the previously listed representatives to obtain their feedback and input on the policy in order to finalize it.

On December 2, 2014, the Miami-Dade County Board of County Commissioners requested the following information:

1. **The benefits and concerns associated with BWC specifically as they pertain to Miami-Dade County.**

   Benefits:

   According to published studies, literature, and through communications with police departments utilizing BWCs, their use increases transparency and public confidence in the police by allowing for a timely review of an officer's action from an independent perspective at the time of the incident. BWCs also cut through divergent views of an incident, protecting the citizens against police misconduct, while at the same time, it protects the officers against false allegations by the public. Most departments report that BWCs improve accountability of their officers; thereby, reducing the instances of misconduct, the number of complaints filed against officers, the number of reported "use of force" situations their officers are involved in and litigation costs by providing documentation of actions taken by the officers. BWCs expedite resolutions of citizen complaints by allowing supervisors to address the citizen's concern almost real time.

BWCs also enhance professional development and facilitate reviews of critical incidents by allowing officers to correct behaviors or responses almost real time. The most important benefit is that BWCs increase evidentiary quality by clearly depicting scenes and other items of evidentiary value that are critical to a case.

Concerns:

Some of the concerns with BWCs raised across the nation reflect the same issues being raised locally. One of the major concerns is the protection of the public's privacy. MDPD's draft policy addresses this concern by delineating when and when not to record inside a private residence. Additionally, the Miami-Dade County Attorney's Office is drafting legislation to propose changes in the State's Public Records Laws that would limit the release of BWC data obtained inside a private residence. MDPD's draft policy also addresses the recording of private conversations or interactions between employees and/or supervisors. Concerns have also been raised by labor unions regarding the safety of officers required to turn on a camera while engaged in life threatening encounters. MDPD's draft policy also addresses this concern by advising employees to commence recording as soon as practicable before arriving on a scene of a dispatched call and as soon as practicable during spontaneous encounters.

Another concern involves the costs associated with the storage of the data retrieved from BWCs. Conversations with representatives of departments across the nation that have instituted a BWC program revealed that some departments revised their retention policies due to the costs associated with the retention of data. MDPD's draft policy addresses this concern by advising the employees to mark data that has evidentiary value so that the data that is not marked or identified as evidentiary in value will be deleted after 60 days automatically.

2. An analysis of BWCs currently being used by other local law enforcement departments.

The city of Miami Beach Police Department will receive 65 BWCs in January 2015. They plan on deploying approximately 40 BWCs to patrol officers and keeping approximately 25 BWCs for training and special events. They plan to obtain approximately 250 over the next several years to outfit all patrol officers with BWCs. Miami Beach will also deploy the BWCs for utilization by their code enforcement and parking meter enforcement officers.

The Miami Police Department has been utilizing 20 BWCs for the past two years in their training unit. Recently, they added approximately 45 BWCs for utilization by their

patrol officers. They plan on obtaining over 500 BWCs over the next several years to outfit their patrol officers.

The United States Homeland Security's Customs and Border Protection, Miami Group has approximately ten BWC for the past six months as a test phase.

The Daytona Beach Shores Department of Public Safety has approximately 15 BWCs deployed to their patrol officers for the past 18 months.

The city of Daytona Beach Police Department currently has 104 BWCs deployed to their patrol officers. They began in 2012 with 22 BWCs and have been gradually increasing their compliment of BWCs.

The city of Sanford Police Department has approximately 35 BWCs deployed to their patrol officers for the past 18 months.

The city of Lake Mary Police Department has 30 BWCs deployed to their patrol officers for the past two years.

The city of Casselberry Police Department has approximately 12 BWCs deployed to their patrol officers for the past 18 months.

The city of Evansville Police Department in Indiana has approximately 250 BWCs deployed to their patrol officers for the past two years.

The city of Albuquerque Police Department in New Mexico has approximately 650 BWCs currently deployed to their patrol officers for the past two and a half years.

After communications with some of these departments and/or reviewing published literature about implementing a program, it is clear that in order to have a successful program, the following must be in place before deploying the BWCs:

- A clear and comprehensive BWC policy
- Agreements with the State Attorney, the Public Defender, and the Chief Judge on how the BWC data will be utilized in court proceedings and how will it be disseminated as part of discovery.
- A clear retention schedule for evidentiary and non-evidentiary BWC data in order to keep storage costs down

MDPD staff is ensuring that these steps are incorporated into our policy and procedures regarding BWCs.

3. Costs associated with the use of BWC recordings in court proceedings.

The costs associated with the use of BWC data in court proceedings will vary depending on the vendor MDPD selects. Some BWC systems allow for the data to be electronically mailed as a link with no costs. Other systems would require for MDPD to copy the data onto a Digital Video Disc or other storage device and provide that to the requesting party, which would include the cost of the disc or storage device along with the cost of the employee making the copy.

4. Ongoing operating costs associated with BWC systems.

The operating costs associated with BWC systems will also vary depending on the vendor selected by MDPD. Some BWC systems provide cloud-based storage that will cost about $3.60 a year, per gigabyte, while other systems allow storage of data on a server. According to the County's Information Technology Department, if they would maintain our system, it would cost approximately $8.40 a year per gigabyte. Additionally, a server which would hold approximately 96,000 gigabytes (96 Terabytes) would cost around $100,000. One of the main advantages of having a cloud-based storage system is that it includes several back-up systems to assure that the data is available, while a purchase of a server would incur another cost for backing the data somewhere else. After contacting several departments who have had a BWC system operating for more than a year, we have found that the average officer saves about three hours of data on a given shift. Three hours of data equates to approximately three gigabytes of storage. Utilizing these averages, an officer working 250 days out of the year will generate about 750 gigabytes of data, per year. However, that total includes evidentiary and non-evidentiary data. The non-evidentiary data would be purged after 60 days, not requiring a lot of storage costs. Evidentiary data costs vary depending on the type of crime, a theft could be stored for approximately three years based on the statute of limitations while data relating to a homicide case would be stored forever. At this time, estimates from other departments show that 40% of their collected data has evidentiary value.

5. The study shall be done in consultation with representatives of the County's law enforcement bargaining units.

On September 9, 2014, MDPD senior Command Staff met with representatives of the Dade County Police Benevolent Associated (PBA) and showed them three different brands of BWCs the MDPD had utilized for the 30-day test.

On December 9, 2014, MDPD staff scanned and sent a letter from the MDPD Director inviting representatives of the PBA to meet to discuss the MDPD BWC draft policy. This letter was hand-delivered to the PBA on December 10, 2014.

On December 16, 2014, a follow-up letter was sent and hand carried to the PBA inviting representatives of the PBA to meet to discuss the MDPD BWC draft policy.

A meeting has been scheduled for Monday, January 5, 2015, with representatives of the PBA in order to present and discuss the MDPD BWC draft policy.

6. Guidelines for the use of video obtained by BWCs in disciplinary proceedings.

MDPD will continue to follow the disciplinary proceedings as outlined in the Departmental Manual, Chapter 15 – Part 4 – Complaint, Counseling, and Discipline and the current Collective Bargaining Agreement between Miami-Dade County and the Dade County Police Benevolent Association.

Additionally, MDPD's draft policy advises that BWC data shall not be used indiscriminately for disciplinary purposes. However, supervisors may access BWC data to verify and address complaints received in response to an internal or external source.

BWCs will allow an immediate supervisor to address discourtesy allegations from a citizen by reviewing the data from the officer's BWC and verifying if the allegation did in fact occur as soon as the complaint is made. The complaint will be documented and forwarded to the Professional Compliance Bureau to avoid duplicate investigations on the same allegation.

7. Consider implementing a requirement for legal review of stored video to minimize departmental exposure to civil liability, ensure quality control, and facilitate ongoing police training.

The proposal to require legal review of stored video to minimize departmental exposure to civil liability, ensure quality control, and facilitate on-going police training was evaluated by MDPD staff. After careful consideration, it was determined that legal review of BWC data has the potential to interfere with the existing duties and responsibilities of the Police Legal Bureau's legal advisors. Upon review of the data, legal advisors have a duty to report misconduct, whether administrative or criminal, and thus would become the "reporter" or complainant in potential cases against police officers. This role would likely interfere, or create a conflict of interest, with the legal advisors who work alongside the County Attorney's Office in the defense of civil claims against the Department and police officers. As the reporter, the legal advisor faces another potential conflict, since legal advisors play a significant role reviewing and consulting on cases during the Department's disciplinary and appeal process.

Instead, to address the Board's concern, a compliance review process was incorporated into the departmental policy; whereby, authorized members of the Department conduct monthly reviews of the data captured by the BWC systems to address future training needs and to ensure compliance with departmental policy. Each entity commander with BWC systems will select supervisors to conduct these compliance reviews. The Department is confident that this procedure will address the Board's concern.

Report on the Benefits and Concerns Associated with Police Officer Body-Worn Cameras Specifically as they Relate to Miami-Dade County

Additional References

Articles or Studies Reviewed:

Police Body Mounted Cameras: With the Right Policies in Place, a Win for All by Jay Stanley, ACLU Senior Policy Analyst, October 2013.

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Operation Candid Camera: Rialto Police Department's Body-Worn Camera Experiment. IACPNET, January 2014.

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IACP National Law Enforcement Policy Center, Body-Worn Cameras Model Policy, April 2014.

Albuquerque Police Department

Houston Police Department

Oakland Police Department

Daytona Beach Police Department

Sanford Police Department

Miami Beach Police Department

Flagler County Sherriff's Office

Report on the Benefits and Concerns Associated with Police Officer Body-Worn Cameras Specifically as they Relate to Miami-Dade County

Departments Utilizing Body-Worn Cameras Contacted:

Albuquerque Police Department – Detective Christopher Whigham

Daytona Beach Police Department – Chief Michael Chitwood

Houston Police Department – Sergeant Stephen Morrison

Sanford Police Department – Captain Anthony Raimondo

Miami Beach Police Department – Captain Jennifer Elmore

Flagler County Sherriff's Office – Operational Support Director James Troiano

City of Miami Police Department – Sergeant Dennis Jacobson

B

Body-Worn Camera System – 30-Day Test

MIAMI-DADE POLICE DEPARTMENT

STRATEGIC PLANNING

AND

DEVELOPMENT SECTION

BODY-WORN CAMERA SYSTEMS

30-DAY TEST REPORT

2014

Body Worn Camera Systems

30 Day Test

The field deployment of body-worn camera systems by law enforcement agencies offers significant advantages in keeping police officers safe, enabling situational awareness, providing evidence for trials, and enhancing the public's confidence that police officers are acting professionally and free of biases. The Miami-Dade Police Department is exploring the advantages these systems offer and tasked the Strategic Planning and Development Section with conducting a 30 day field test of three different body-worn camera systems.

These systems included the Taser Axon Flex, the Panasonic WVTW-310 Wearable Camera, and the Digital Ally First Vu HD. Officers from various entities within the Department were selected to conduct field tests. These included the Northside and Hammocks Districts, as well as officers from the Robbery Bureau's Robbery Intervention Detail, Narcotics Bureau's Tactical Narcotics Team, and the Crime Scene Investigations Bureau.

Taser International provided ten (10) Taser Axon Flex cameras for the Department to test. The Taser Axon Flex was tested from Thursday, September 12, 2013, until Friday, October 11, 2013. Three cameras were tested in the Northside District, four cameras were tested in the Hammocks District, two cameras were tested by the Robbery Bureau's Robbery Intervention Detail (RID), and one camera was tested by the Narcotics Bureau's Tactical Narcotics Team (TNT). Taser also provided their own case management program, Evidence.com, which provided the ability of downloading, reviewing and categorizing the videos over the internet while providing a storage solution in a cloud.

Panasonic provided five (5) Panasonic WVTW-310 Wearable cameras for the Department to test. The Panasonic cameras were tested from Thursday, September 26, 2013, to Friday, October 25, 2013. Three cameras were tested in the Northside District and one camera was tested by each, the Hammocks District and the Robbery Bureau's RID. Panasonic also provided a case management system that was installed in each of the officer's laptop computers.

Digital Ally provided four (4) Digital Ally First Vu HD cameras for the Department to test. The Digital Ally cameras were tested from Wednesday, October 3, 2013, to Monday, November 4, 2013. Two cameras were tested by the Northside District and one camera was tested by each, the Hammocks Districts and the Robbery Bureau's RID. Digital Ally provided their case management system which is web based; however, the Department would have to provide a server to store the recorded videos.

Body Worn Camera Systems

30 Day Test

Since our Information Technology Services Bureau (ITSB) was not able to assist the Digital Ally representatives by providing them with a full connection to our network and a server, in order to be able to download the videos, Digital Ally was allowed another 30 days of testing, after their representatives and our ITSB personnel were able to provide a suitable connection for their case management system. This additional testing was conducted from Wednesday, January 8, 2014 to Friday, February 7, 2014. Digital Ally provided six (6) cameras for this testing cycle. Two cameras were tested by each, the Northside and Hammocks Districts and one camera was tested by each, the Robbery Bureau's RID and the Crime Scene Investigations Section.

Each of the officers conducting the test were provided with an evaluation form which consisted of thirteen (13) categories with a number rating from 1 (worst) to 5 (best). Following is a list of the categories: Video Quality, Audio Quality, Camera Ease of Use, Comfort/Wearability, Durability/Physical Security, Ease and Duration of Upload, Battery Life, Battery Charging (duration to full charge), Ability to Review Video, Ease of Copying Recordings, Ability to Review Video, Ease of Copying Recordings, Data Security, Ability to Tag Recordings, and Overall Comments/Rating. Additionally, it had areas for the officers to provide Additional Comments and a Recommendation (would this product be advantageous to the Department and the Officer).

After compiling all the evaluation forms, the officers who tested the camera systems preferred the Taser Axon Flex system over the other two systems. Some of the advantages cited for the Taser system included; the numerous mounting options for the camera, the ease of operation when downloading the videos, the ease of operation for the case management system, and the technical support provided by the Taser system.

Some of the disadvantages cited for the Panasonic system included; camera too bulky, camera only has two possible mounting positions, the downloading process for videos was cumbersome, the case management system was stored in the officer's computer restricting the ability to share files: it took several days to receive a response when contacting technical support.

Some of the disadvantages cited for the Digital Ally system included; camera only has two possible mounting positions, the downloading process for videos was cumbersome and took too long, even though technical support would hear your problem quickly, it took several days to receive an answer.

At the time of testing and as of May 2014, the Taser Axon Flex camera system is the only system that currently provides a field tested point of view camera system that provides multiple mounting locations for the camera including several that provide point

of view recording since the camera is mounted in the head area of the officer. Additionally, it is also the only system that provides a turnkey case management system that is cloud based and provides an easy platform to be able to share videos with supervisors, management, and the judicial system through their Evidence.com.

The Panasonic system's video is enhanced, which could be detrimental during a judicial proceeding since it will show an enhanced version of transpired events rather than what the officer actually was viewing.

Additionally, The Miami-Dade County Mayor's Office promotes a student internship program where students from Florida International University gain experience while being assigned to different Miami-Dade County departments. As part of the program, the students are divided into groups and given a project to study and make a presentation of their findings to the County Mayor's staff. One of the groups of students was assigned the evaluation of body worn camera systems as their project.

During the presentation, the students advised that they tested the same camera systems that we have tested and selected the Taser Axon Flex camera as the best camera system due to their flexibility of mounting positions of the camera, the case management system provided, and the fact that it is the only system that provides an end to end solution since they provide the camera and the case management system while other systems utilize another company to provide the case management system.

Body Worn Camera Systems

30 Day Test

References

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Police Body Mounted Cameras: With the Right Policies in Place, a Win for All by Jay Stanley, ACLU Senior Policy Analyst, October 2013.

Daytona Beach Body-Worn Cameras, Office of Community Oriented Policing Services. IACPNET, January 2014.

Operation Candid Camera: Rialto Police Department's Body-Worn Camera Experiment. IACPNET, January 2014.

Body-Worn Video Evidence by Steve Lovell, IACPNET, Evidence Technology Magazine, March 2014.

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C

IACP Model Policy

IACP National Law Enforcement Policy Center
BODY-WORN CAMERAS
Model Policy
April 2014

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.[1]

II. POLICY

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
2. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see items D.1-4).
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the chief executive officer (CEO) or his or her designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the chief executive officer or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the chief executive officer (CEO);
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or

4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. Storage

1. All files[2] shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the CEO or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

Endnotes

[1] Some states have eavesdropping statutes that require two-party consent prior to audio recording. Consult your legal advisor for state and local laws that affect your agency.

[2] For the purpose of this document, the term "file" refers to all sounds, images, and associated metadata.

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Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the IACP.

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Body-Worn Cameras

Concepts and Issues Paper

April 2014

I. INTRODUCTION

A. Purpose of the Document

This paper is designed to accompany the *Model Policy* on *Body-Worn Cameras* published by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide a greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

Video recorders and digital cameras have been useful tools in the law enforcement profession for some years. Advances in technology have improved camera equipment and enhanced the development of the body-worn camera (BWC). While many police agencies have taken advantage of these advancements even more have overlooked or are unaware of their usefulness, or have chosen not to deploy them.

The concept of recording police-citizen encounters for law enforcement use first developed with the implementation of in-car cameras. Initially, these devices were installed to document interactions with individuals suspected of driving under the influence, with the recordings providing supporting evidence needed for conviction.[1] Over time, agencies discovered that in-car cameras had numerous additional benefits, such as "increased officer safety; documentation of traffic violations, citizen behavior, and other events; reduced court time and prosecutor burden; video evidence for use in internal investigations; reduced frivolous lawsuits; and increased likelihood of successful prosecution."[2] All of these advantages also apply to the BWC, as will be discussed further in this document.

C. Uses for Body-Worn Cameras

Many police officers now use BWCs to document interactions with victims, witnesses, and others during police-citizen encounters, at crime and incident scenes, and during traffic stops. In many instances police agencies have found the BWC useful for officers in the favorable resolution of both administrative and criminal complaints and as a defense resource in cases of civil liability. Officers using these recorders have a clearly documented, firsthand, completely objective account of what was said during an incident in question. The utilization of BWC video and audio recordings at trial can provide the court with the actual statements of officers, suspects, and others that might not otherwise be admissible in court based upon hearsay concerns, or might not get sufficient consideration if there are conflicting memories of the statements. In addition, recordings made at crime and incident scenes are a tangible benefit of BWCs and can provide investigators, prosecutors, and juries with far more detailed, accurate, and compelling evidence.

The use of BWCs gives officers, their agencies, administrators, and employing jurisdictions an additional means of defending themselves in civil litigation. This is extremely useful in resolving citizen complaints and potential civil actions. During many police-citizen contacts there are no objective witnesses to corroborate either allegations of misfeasance or explanations of the interaction and so many jurisdictions are more willing to resolve these matters by paying minor damages rather than spend time and money in litigation. However, an officer utilizing a BWC typically has all the comments and actions of both parties on record and thus has a built-in "impartial witness" on his or her person—a factor that has often resulted in civil suits before they would otherwise have been formally lodged. In one study of in-car camera recordings, "in cases where video evidence was available, the officer was exonerated 93% of the time; in 5% of the cases the complaint was sustained."[3] In addition, the same study showed that in a large number of instances, the individual decided against filing a complaint once he or she was notified that there was a video recording of the incident.[4]

The BWC has also proven to be effective in helping police agencies evaluate police officer performance in a more complete and fair manner. Supervisory personnel are able to review officer conduct and performance on a random or systematic basis by reviewing BWC recordings. This allows the supervisor to ensure that the BWC is being used in accordance with department policy and to identify any areas in which additional officer training, guidance, or discipline may be required.

Introduction and subsequent broad acceptance of in-car mobile video recording equipment has played a significant role in proving the effectiveness and utility of recording equipment in

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law enforcement. However, vehicle-mounted video recorders are limited in their field of vision and are not of assistance to officers on foot patrol or who are engaged in investigations or interactions beyond transmission range of their vehicles. The BWC is a convenient and relatively inexpensive means of more fully documenting contacts and interactions with citizens, suspects, and others in a wide variety of situations. It gives them a reliable and compact tool to systematically and automatically record their field observations and encounters.

However, in most cases BWCs should not be viewed as a low-cost alternative to in-car video recorders, but rather a complementary technology. In-car camera systems can provide important information that is currently unavailable with BWCs. For instance, most in-car camera systems can be linked to vehicle systems and record vehicle location, speed, application of brakes; indicate activation of lights and siren; and capture other data that could be vitally important if an accident or other unanticipated event should occur. For example, recording of an officer's activity from the patrol car often includes accidents that occur during a traffic stop that would not necessarily be seen by the BWC while the officer interacts with the motorist. Most in-car systems also provide the option of installing a secondary camera to record any activity in the back seat of the patrol car.

Police officers are aware that contact with citizens during routine traffic stops or in other types of police-public interactions can result in confrontational situations. It has been the experience of many officers who have been in potentially hostile or confrontational situations and who are equipped with audio or video recording devices that inform the subject that he or she is being recorded by one or both of these means often serves to de-escalate or defuse the situation. The subject realizes in these situations that his or her statements cannot be denied or refuted later because there is a recording documenting every aspect of the encounter. The same concept can be applied to officer behavior. In a one-year study conducted by the Rialto, California, Police Department, citizen complaints of officer misconduct fell by 87.5 percent for officers using BWCs, while uses of force by such officers fell by 59 percent.[5]

Finally, the availability of video and audio recordings as evidence is critically important and can be the key to successful prosecution. For example, there is often nothing more compelling to a judge or jury than actually seeing the actions and hearing the words uttered by a suspect, including statements of hostility and anger.

Throughout the United States, courts are backlogged with cases waiting to be heard and officers who are spending time in court that could be used more productively in enforcement activities. The availability of audio and/or video recorded evidence increases the ability of prosecutors to obtain guilty verdicts more easily and quickly at trial or to more effectively plea-bargain cases, avoiding lengthy trial proceedings. In jurisdictions that employ audio and visual evidence, officers normally submit their recordings along with a written report, which is later reviewed by the prosecuting attorney. When the accused and his or her attorney are confronted with this evidence, guilty pleas are more often obtained without the need for a trial or the pressure to accept a plea to lesser charges. This substantially reduces the amount of time an officer must spend in court and utilizes prosecutorial and judicial resources more efficiently.

II. ADMINISTRATIVE RESTRICTIONS ON BODY-WORN CAMERA RECORDINGS

The usefulness of BWCs has been clearly demonstrated; however, their utility is realized only when they are recording. Agency policy should require that officers activate their BWC whenever they make contact with a citizen in the course of conducting official police business. Once activated, the entire conversation should be recorded without interruption. If such interruption occurs, the officer should be required to document the reason for the interruption in a report. If an officer feels it is necessary to stop recording (e.g., while speaking to another officer, or a confidential informant) within constraints of policy, he or she may also be permitted to verbally indicate his or her intent to stop the recording before stopping the device, and upon reactivation, state that he or she has restarted the recording. This will help avoid accusations of editing the recording after the fact.

Some agencies issue BWCs to select officers rather than to all patrol officers. This approach can be used as part of an effort to more closely monitor individual officers who are suspected of having difficulty in certain areas of operation. Or it may simply be that a department cannot afford to provide cameras for all personnel. However, issuing cameras for the sole purpose of monitoring specific employees can have several negative consequences. For example, officers who know they are under close scrutiny may tend to modify their behavior only while the BWC is deployed. Selective use of BWCs can also be stigmatizing, since the officer's colleagues may interpret that he or she is being singled out as a potential problem. This can have negative short- and long-term consequences for the subject officer in dealing effectively and professionally thereafter with fellow officers. Such selective use can also be a considerable impediment to creating "buy in" from employees regarding the use and utility of video recorders. If officers regard these devices primarily as monitors for identifying problem behavior, they will be less likely to use them for the purpose they are intended. Therefore, it is strongly recommended that agencies using BWCs for patrol personnel should provide them to all such officers for use in accordance with agency policy.

In spite of their utility, the BWCs can be used for improper purposes that are counter to or inconsistent with the law enforcement mission, or in ways that are contrary to federal, state, or local law. For example, BWCs are not meant to serve personal uses whether on or off duty unless permission is granted by the department. This is a simple matter of concern over private use of governmental equipment in most cases, but it can also involve concerns over the potential of mixing personal recordings with those involving official police business. In the latter circumstances, the evidentiary integrity of recordings could be called into question, as could issues surrounding the chain of custody of evidence contained on devices that may have been involved in personal use. Personal use of BWC equipment and comingling of recordings raise concerns about inappropriate viewing, sharing, and release of videos and associated issues of invasion of privacy and other similar types of liability.

In general, BWCs should be used for investigative purposes or field use only and should not be activated in administrative settings. Another potential for improper use that should be prohibited by the police department is surreptitious recording of communications with or between any other officers without the explicit permission of the agency chief executive or his or her designee. The purposeful activation of BWCs during personal

conversations involving counseling, guidance sessions, or personnel evaluations should be prohibited unless all parties present agree to be recorded. It is important to note the dysfunction and disharmony created by surreptitious recordings in a police work environment. A cloud of suspicion and distrust exists where officers and their supervisors believe that they cannot enter into candid personal discussions without the risk of their statements being recorded and used inappropriately or harmfully against them or others. The result can undermine both the willingness of supervisors and administrators to provide candid guidance about officer performance, and the willingness of employees to provide open, truthful information.

Similarly, officers' conversations on the radio and among each other at a scene will frequently occur. Officers should inform other officers or emergency responders arriving on a scene when their recorder is active to help avoid recording inappropriate or immaterial statements. In addition, the BWC should not be activated when the officer is on break or otherwise engaged in personal activities or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room. For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.

The policy should clearly state that BWC activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Failure to follow this policy could subject an officer to disciplinary action up to and including dismissal.

A. Legal Restrictions on Recordings

As noted in the foregoing section, the availability and use of BWCs can create the basis for legal challenges lodged by suspects or other persons. This policy applies only to the use of BWCs attached to an officer's person, and any use of the camera in a surreptitious manner by removing it and using it to monitor a situation remotely should be strictly controlled. Such surreptitious recording has constitutional implications and may be governed by state and federal wiretap laws not applicable to or addressed by this policy. It is important for officers who are equipped with BWCs to have an understanding of the restrictions on surreptitious recording of persons and to make sure their use of the BWCs is consistent with the restrictions.

This policy is intended to cover use of BWCs in situations where a person has either a reduced or no expectation of privacy and that occurs in a place where the officer is legally entitled to be present. Whether there is a reasonable expectation of privacy in a given situation is determined using a traditional Fourth Amendment analysis involving whether the person in question exhibited "an actual or subjective expectation of privacy" in the communication and whether that expectation is "one that society is prepared to recognize as reasonable." The landmark U.S. Supreme Court decision in *Katz* v. *United States*[6] that outlined these principles also made it clear that a reasonable expectation of privacy is not determined so much by the place in which the individual is located (e.g., a telephone booth, business office, or taxicab) but by what a person "seeks to preserve as private even in an area accessible to the public." The decision emphasized that the Fourth Amendment protects people, not places.

When an individual is in custody, whether in a patrol car, interrogation room, or lockup, for example, there is generally no reasonable expectation of privacy, unless the suspect is speaking in confidence with an attorney, clergyman or other individual with privilege of communication. Recording may be done in these settings unless officers have given the individual a sign or indication that the location is private, that their conversation is not being recorded, and/or if the individual is speaking with someone with privilege. Individuals who are in these settings, but who are not in custody may refuse to be recorded.

In a residence, there is a heightened degree and expectation of privacy. Officers should normally inform the resident that he or she is being recorded. If the resident wishes not to be recorded, this request should be documented by recording the request before the device is turned off. However, if an officer may enter a dwelling without the consent of the resident, such as when serving a warrant, or when the officer is there based on an exception to the warrant requirement, recordings should be made of the incident until its conclusion. As a general rule, if the officer must legally ask permission to enter a premises, he or she should also ask if the resident will allow recording.

Notwithstanding any legal limitations, as a courtesy and so as not to create the impression of trickery or subterfuge, some police agencies require their officers to inform all persons who are being recorded by BWCs. This includes all motor vehicle stops and related citizen contacts where official police functions are being pursued.

Recording arrests and the events leading up to an arrest is an excellent means of documenting the circumstances establishing probable cause for arrest. In circumstances where *Miranda* rights are appropriate, use of BWCs is an good way to demonstrate the clear and accurate reading of *Miranda* rights to the suspect—and an invocation or waiver of those rights by the suspect. If the suspect invokes his or her rights to silence and representation by an attorney, recording is still permissible. Officers should take great care not to direct questions to the suspect regarding involvement in any crime. However, any spontaneous statements made by the suspect to officers would likely be admissible as evidence so long as the statements or comments were not elicited by officer questioning.

Finally, there may be times when officers should be given a degree of discretion to discontinue recording in sensitive situations as long as they record the reason for deactivating the recorded. For instance, when talking to a sexual assault victim, or on the scene of a particularly violent crime or accident scene. This is especially true if the recording may be subject to Freedom of Information Act requests. Under such circumstances, recordings could be posted on media sites that could cause unnecessary distress for families and relatives. Whenever reasonably possible, officers should also avoid recording children who are not involved in an incident as well as innocent bystanders.

B. Procedures for Using Body-Worn Cameras

BWC equipment is intended primarily for the use of uniformed officers although plainclothes officers may be issued such equipment. Officers who are assigned such equipment should be required to use it in accordance with agency policy unless otherwise directed or authorized by supervisory personnel.

Personnel who are authorized to use BWCs should use only equipment provided by the department. The chances of loss, destruction, or recording over materials belonging to official police investigations may be greater when these devices are used for both official and personal business.

BWC equipment should be the responsibility of individual officers assigned such equipment and should be used with rea-

sonable care to ensure proper functioning. Equipment malfunctions should be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be obtained. Officers should test this equipment prior to each shift in order to verify that it is functioning properly and should notify their supervisor if any problems are detected.

Officers should never erase or in any manner alter recordings. The agency must maintain strict managerial control over all devices and recorded content so that it can ensure the integrity of recordings made by officers. Failure of officers to assist in this effort or the agency to take managerial control over recordings can risk the credibility of the program and threaten its continuation as a source of credible information and evidence.

Where officers have recorded unusual and/or operational situations or incidents that may have potential value in training, they should inform their supervisor so that the recordings can be identified and evaluated. Unusual or even routine events recorded on tape can be used in basic academy and in-service training to reinforce appropriate behavior and procedures, to demonstrate inappropriate practices and procedures, to enhance interpersonal skills and officer safety habits, and to augment the instructional routines of field training officers and supervisory personnel.

Officers should also note in their incident, arrest, or related reports when recordings were made during the events in question. However, BWC recordings should not serve as a replacement for written reports.

C. Recording Control and Management

Reference has been made previously to the need for control and management of BWC recordings to ensure the integrity of the recordings, secure the chain of custody where information of evidentiary value is obtained, and use recordings to their fullest advantage for training and other purposes. In order to accomplish these ends, officers and their supervisors should adhere to a number of procedural controls and requirements.

At the end of each shift, all files from the BWC should be securely downloaded. In order for a recording to be admissible in court, the officer must be able to authenticate the recording as a true and accurate depiction of the events in question. In an effort to prevent the recording from becoming evidence, the defense may question the chain of custody. Therefore, departments may wish to utilize secure downloading software or programs, or have an individual other than the officer be responsible for downloading the data in an effort to minimize any chain-of-custody issues.[7]

Each file should contain identifying information, such as the date, time, BWC device used, and assigned officer. These recordings should be stored in a secure manner and are the exclusive property of the department. Accessing, copying, or releasing files for non-criminal justice purposes should be strictly prohibited.

Many states have laws specifying how long evidence and other records must be maintained. Recordings should be maintained in a secure manner for the period of time required by state law or as otherwise designated by the law enforcement agency. Retention schedules for recordings should take into consideration the possibility of a civilian complaint against an officer sometime after the encounter. Recordings in these situations can prove invaluable in resolution of the complaint. However, storage costs can become prohibitive, so agencies must balance the need for retaining unspecified recordings with the desire to have this information available.

According to the *Model Policy*, supervisory officers should ensure that officers equipped with BWCs use them in accordance with agency policy and procedures. One means of accomplishing this end is for first-line supervisors to review recordings of officers on their shift. This can be done on a random selection basis or on a systematic basis and should be performed routinely at least monthly. Recordings submitted by specific officers may need to be reviewed more often or more closely should there be indications that the officer's performance is substandard, if there have been internal or external complaints lodged against the officer, or if there is reason to believe that the officer may need additional guidance or training in certain operational areas.

Officers assigned a BWC should have access, and be encouraged to review their own recordings in order to assess their performance and potentially correct unsafe or questionable behaviors. The question of whether an officer should be allowed to review recordings before writing a report, especially following an officer-involved shooting or accident, is a matter that should be examined closely by administrators.

Inevitably, recordings will occur in circumstances where recording is not appropriate. By way of examples, an officer may forget to stop a recording when entering a victim's residence after being asked not to record inside, or may accidentally activate it in the locker room. In these situations, the officer should be afforded an opportunity to request that these portions of the recording be erased. Requests for deletions should be made in writing and must be submitted to the chief executive officer or his or her designee for approval. All requests should be maintained for historical reference.

Endnotes

[1] *The Impact of Video Evidence on Modern Policing*, IACP pg. 5, http://www.cops.usdoj.gov/Publications/video_evidence.pdf (accessed February 12, 2014).

[2] Ibid., pg. 11.

[3] Ibid. pg. 15.

[4] Ibid.

[5] As cited in Mesa Arizona Police, *End of Program Evaluation and Recommendations: On-Officer Body Camera System, Axon Flex Program Evaluation and Recommendations*, December 2, 2013, pg. 2.

[6] A touchstone case in this matter is that of *Katz v. United States*, 389 U.S. 347 (1967).

[7] For additional discussion of the use of videotape evidence, please see Jonathan Hak, "Forensic Video Analysis and the Law" appendix v in *The Impact of Video Evidence on Modern Policing*

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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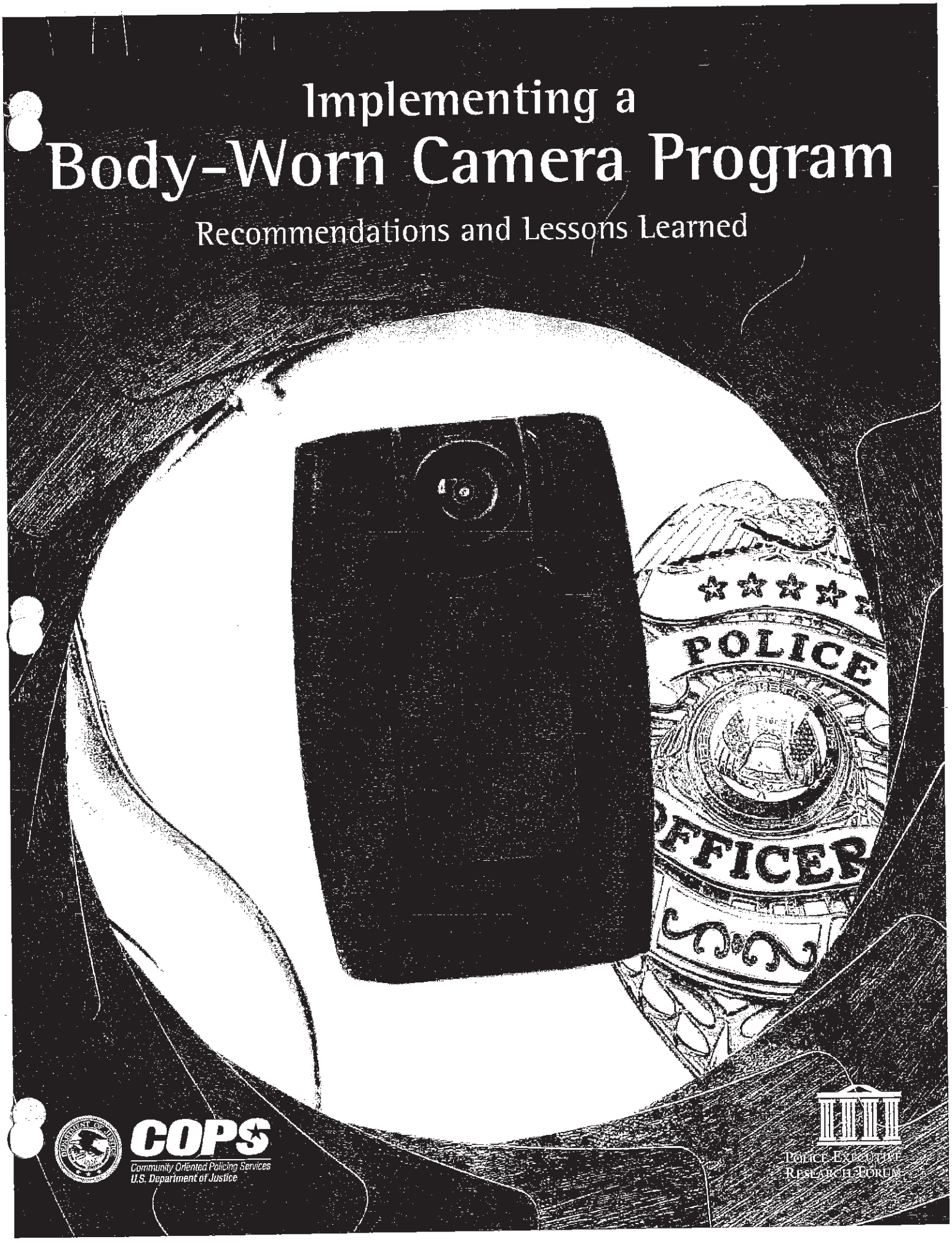
PERF Implementing a Body-Worn Camera Program

Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned



COPS
Community Oriented Policing Services
U.S. Department of Justice

Police Executive Research Forum

Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned

This project was supported by cooperative agreement number 2012-CK-WX-K028 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

The points of view expressed in this publication do not necessarily reflect the opinions of individual Police Executive Research Forum members.

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Letter from the PERF Executive Director

The recent emergence of body-worn cameras has already had an impact on policing, and this impact will only increase as more agencies adopt this technology. The decision to implement body-worn cameras should not be entered into lightly. Once an agency goes down the road of deploying body-worn cameras—and once the public comes to expect the availability of video records—it will become increasingly difficult to have second thoughts or to scale back a body-worn camera program.

A police department that deploys body-worn cameras is making a statement that it believes the actions of its officers are a matter of public record. By facing the challenges and expense of purchasing and implementing a body-worn camera system, developing policies, and training its officers in how to use the cameras, a department creates a reasonable expectation that members of the public and the news media will want to review the actions of officers. And with certain limited exceptions that this publication will discuss, body-worn camera video footage should be made available to the public upon request—not only because the videos are public records but also because doing so enables police departments to demonstrate transparency and openness in their interactions with members of the community.

Body-worn cameras can help improve the high-quality public service expected of police officers and promote the perceived legitimacy and sense of procedural justice that communities have about their police departments. Furthermore, departments that are already deploying body-worn cameras tell us that the presence of cameras often improves the performance of officers as well as the conduct of the community members who are recorded. This is an important advance in policing. And when officers or members of the public break the law or behave badly, body-worn cameras can create a public record that allows the entire community to see what really happened.

At the same time, the fact that both the public and the police increasingly feel the need to videotape every interaction can be seen both as a reflection of the times and as an unfortunate commentary on the state of police-community relationships in some jurisdictions. As a profession, policing has come too far in developing and strengthening relationships with its communities to allow encounters with the public to become officious and legalistic. Body-worn cameras can increase accountability, but police agencies also must find a way to preserve the informal and unique relationships between police officers and community members.

This publication, which documents extensive research and analysis by the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), will demonstrate why police departments should not deploy body-worn cameras carelessly. Moreover, departments must anticipate a number of difficult questions—questions with no easy answers because they involve a careful balancing of competing legitimate interests, such as the public's interest in seeing body-worn camera footage versus the interests of crime victims who would prefer not to have their images disseminated to the world.

One of the most significant questions departments will face is how to identify which types of encounters with members of the community officers should record. This decision will have important consequences in terms of privacy, transparency, and police-community relationships. Although recording policies should provide officers with guidance, it is critical that policies also give officers

a certain amount of discretion concerning when to turn their cameras on or off. This discretion is important because it recognizes that officers are professionals and because it allows flexibility in situations in which drawing a legalistic "bright line" rule is impossible.

For example, an officer at a crime scene may encounter a witness who would prefer not to be recorded. By using discretion, the officer can reach the best solution in balancing the evidentiary value of a recorded statement with the witness's reluctance to be recorded. The decision may hinge on the importance of what the witness is willing to say. Or perhaps the witness will agree to be recorded by audio but not video, so the officer can simply point the camera away from the witness. Or perhaps the witness will be willing to be recorded later, in a more private setting. By giving officers some discretion, they can balance the conflicting values. Without this discretion, body-worn cameras have the potential to damage important relationships that officers have built with members of the community. This discretion should not be limitless; instead, it should be guided by carefully crafted policies that set specific parameters for when officers may use discretion.

If police departments deploy body-worn cameras without well-designed policies, practices, and training of officers to back up the initiative, departments will inevitably find themselves caught in difficult public battles that will undermine public trust in the police rather than increasing community support for the police.

This publication is intended to serve as a guide to the thoughtful, careful considerations that police departments should undertake if they wish to adopt body-worn cameras.

Sincerely,

Chuck Wexler

Chuck Wexler, Executive Director
Police Executive Research Forum

Letter from the COPS Office Director

Dear colleagues,

One of the most important issues currently facing law enforcement is how to leverage new technology to improve policing services. Whether using social media to engage the community, deploying new surveillance tools to identify suspects, or using data analysis to predict future crime, police agencies around the world are implementing new technology at an unprecedented pace.

Body-worn cameras, which an increasing number of law enforcement agencies are adopting, represent one new form of technology that is significantly affecting the field of policing. Law enforcement agencies are using body-worn cameras in various ways: to improve evidence collection, to strengthen officer performance and accountability, to enhance agency transparency, to document encounters between police and the public, and to investigate and resolve complaints and officer-involved incidents.

Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public's privacy rights but also can affect how officers relate to people in the community, the community's perception of the police, and expectations about how police agencies should share information with the public. Before agencies invest considerable time and money to deploy body-worn cameras, they must consider these and other important questions.

The COPS Office was pleased to partner with the Police Executive Research Forum (PERF) to support an extensive research project that explored the numerous policy and implementation questions surrounding body-worn cameras. In September 2013, the COPS Office and PERF hosted a conference in Washington, D.C., where more than 200 law enforcement officials, scholars, representatives from federal agencies, and other experts gathered to share their experiences with body-worn cameras. The discussions from this conference, along with interviews with more than 40 police executives and a review of existing body-worn camera policies, culminated in the recommendations set forth in this publication.

Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned offers practical guidance as well as a comprehensive look at the issues that body-worn cameras raise. I hope you find that the wide range of perspectives, approaches, and strategies presented in this publication are useful, whether you are developing your own body-worn camera program or simply wish to learn more about the topic. The goal of the COPS Office and PERF is to ensure that law enforcement agencies have the best information possible as they explore this new technology; therefore, we encourage you to share this publication, as well as your own experiences, with other law enforcement practitioners.

Sincerely,

Ronald L. Davis, Director
Office of Community Oriented Policing Services

Acknowledgments

PERF would like to thank the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) for supporting this research into body-worn cameras. We are thankful to COPS Office Director Ronald Davis and Principal Deputy Director Joshua Ederheimer for recognizing the increasingly important role this technology plays for law enforcement agencies across the globe. We are also grateful to our program managers at the COPS Office, Helene Bushwick and Katherine McQuay, for their support and encouragement throughout the project.

We would also like to thank the law enforcement agencies that participated in our survey on body-worn cameras. Their thoughtful responses guided our research and the agenda for the executive session in Washington, D.C., in September 2013. We are also grateful to the more than 200 police chiefs, sheriffs, scholars, and other professionals who participated in our executive session (see appendix B for a list of participants). These leaders provided valuable information about their experiences with body-worn cameras and prompted an insightful discussion regarding the issues these cameras raise.

We are especially thankful for the more than 40 police executives who shared their body-worn camera policies with PERF and who participated in interviews with PERF staff. Their candid assessments of how this technology has impacted their agencies shaped the findings and recommendations found in this publication.

Finally, credit is due to PERF staff members who conducted the survey, prepared for and hosted the executive session, conducted interviews, and helped write and edit this publication, including Jessica Toliver, Lindsay Miller, Steve Yanda, and Craig Fischer.

Introduction

State of the field and policy analysis

Over the past decade, advances in the technologies used by law enforcement agencies have been accelerating at an extremely rapid pace. Many police executives are making decisions about whether to acquire technologies that did not exist when they began their careers–technologies like automated license plate readers, gunshot detection systems, facial recognition software, predictive analytics systems, communications systems that bring data to officers' laptops or handheld devices, GPS applications, and social media to investigate crimes and communicate with the public.

"Because technology is advancing faster than policy, it's important that we keep having discussions about what these new tools mean for us. We have to ask ourselves the hard questions. What do these technologies mean for constitutional policing? We have to keep debating the advantages and disadvantages. If we embrace this new technology, we have to make sure that we are using it to help us do our jobs better."

– Charles Ramsey, Police Commissioner, Philadelphia Police Department

For many police executives, the biggest challenge is not deciding whether to adopt one particular technology but rather finding the right mix of technologies for a given jurisdiction based on its crime problems, funding levels, and other factors. Finding the best mix of technologies, however, must begin with a thorough understanding of each type of technology.

Police leaders who have deployed body-worn cameras[1] say there are many benefits associated with the devices. They note that body-worn cameras are useful for documenting evidence; officer training; preventing and resolving complaints brought by members of the public; and strengthening police transparency, performance, and accountability. In addition, given that police now operate in a world in which anyone with a cell phone camera can record video footage of a police encounter, body-worn cameras help police departments ensure events are also captured from an officer's perspective. Scott Greenwood of the American Civil Liberties Union (ACLU) said at the September 2013 conference:

> The average interaction between an officer and a citizen in an urban area is already recorded in multiple ways. The citizen may record it on his phone. If there is some conflict happening, one or more witnesses may record it. Often there are fixed security cameras nearby that capture the interaction. So the thing that makes the most sense–if you really want accountability both for your officers and for the people they interact with–is to also have video from the officer's perspective.

The use of body-worn cameras also raises important questions about privacy and trust. What are the privacy issues associated with recording victims of crime? How can officers maintain positive community relationships if they are ordered to record almost every type of interaction with the public? Will members of the public find it off-putting to be told by an officer, "I am recording this encounter," particularly if the encounter is a casual one? Do body-worn cameras also undermine the trust between officers and their superiors within the police department?

In addition to these overarching issues, police leaders must also consider many practical policy issues, including the significant financial costs of deploying cameras and storing recorded data, training requirements, and rules and systems that must be adopted to ensure that body-worn camera video cannot be accessed for improper reasons.

1. Body-worn cameras are small video cameras—typically attached to an officer's clothing, helmet, or sunglasses—that can capture, from an officer's point of view, video and audio recordings of activities, including traffic stops, arrests, searches, interrogations, and critical incidents such as officer-involved shootings.

Project overview

Even as police departments are increasingly adopting body-worn cameras, many questions about this technology have yet to be answered. In an effort to address these questions and produce policy guidance to law enforcement agencies, the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), conducted research in 2013 on the use of body-worn cameras. This research project consisted of three major components: an informal survey of 500 law enforcement agencies nationwide; interviews with police executives; and a conference in which police chiefs and other experts from across the country gathered to discuss the use of body-worn cameras.

First, PERF distributed surveys to 500 police departments nationwide in July 2013. The exploratory survey was designed to examine the nationwide usage of body-worn cameras and to identify the primary issues that need to be considered. Questions covered topics such as recording requirements; whether certain officers are required to wear body-worn cameras; camera placement on the body; and data collection, storage, and review.

PERF received responses from 254 departments (a 51 percent response rate). Although the use of body-worn cameras is undoubtedly a growing trend, over 75 percent of the respondents reported that they did not use body-worn cameras as of July 2013.

"I really believe that body-worn cameras are the wave of the future for most police agencies. This technology is driving the expectations of the public. They see this out there, and they see that other agencies that have it, and their question is, 'Why don't you have it?'"

– Roberto Villaseñor, Chief of Police, Tucson (Arizona) Police Department

Of the 63 agencies that reported using body-worn cameras, nearly one-third did not have a written policy governing body-worn camera usage. Many police executives reported that their hesitance to implement a written policy was due to a lack of guidance on what the policies should include, which highlights the need for a set of standards and best practices regarding body-worn cameras.

Second, PERF staff members interviewed more than 40 police executives whose departments have implemented—or have considered implementing—body-worn cameras. As part of this process, PERF also reviewed written policies on body-worn cameras that were shared by departments across the country.

Last, PERF convened a one-day conference of more than 200 police chiefs, sheriffs, scholars, representatives from federal criminal justice agencies, and other experts to discuss the policy and operational issues surrounding body-worn cameras. The conference, held in Washington, D.C., on September 11, 2013, gave participants the opportunity to share the lessons they have learned, to identify promising practices from the field, and to engage in a dialogue about the many unresolved issues regarding the use of body-worn cameras.

Drawing upon feedback from the conference, the survey results, and information gathered from the interviews and policy reviews, PERF created this publication to provide law enforcement agencies with guidance on the use of body-worn cameras.

The first chapter discusses the perceived benefits of deploying body-worn cameras, particularly how law enforcement agencies have used the cameras to resolve complaints and prevent spurious complaints, to enhance transparency and officer accountability, to identify and address structural problems within the department, and to provide an important new type of evidence for criminal and internal administrative investigations.

The second chapter discusses the larger policy concerns that agencies must consider when implementing body-worn cameras, including privacy implications, the effect cameras have on community relationships and community policing, officers' concerns, the expectations cameras create, and financial costs.

The third chapter presents PERF's policy recommendations, which reflect the promising practices and lessons that emerged from PERF's conference and its extensive discussions with police executives and other experts following the conference.

The police executives referenced throughout this publication are those who attended the September conference; participated in a discussion of body-worn cameras at PERF's October 2013 Town Hall Meeting, a national forum held in Philadelphia; provided policies for PERF's review; and/or were interviewed by PERF in late-2013 and early-2014.[2] A list of participants from the September conference is located in appendix B.

2. The titles listed throughout this document reflect officials' positions at the time of the September 2013 conference.

Chapter 1. Perceived Benefits of Body-Worn Cameras

Among the police executives whose departments use body-worn cameras, there is an overall perception that the cameras provide a useful tool for law enforcement. For these agencies, the perceived benefits that body-worn cameras offer—capturing a video recording of critical incidents and encounters with the public, strengthening police accountability, and providing a valuable new type of evidence—largely outweigh the potential drawbacks. For example, Chief Superintendent Stephen Cullen of the New South Wales (Australia) Police Force said, "After testing out body-worn cameras, we were convinced that it was the way of the future for policing."

Accountability and transparency

The police executives whom PERF consulted cited many ways in which body-worn cameras have helped their agencies strengthen accountability and transparency. These officials said that, by providing a video record of police activity, body-worn cameras have made their operations more transparent to the public and have helped resolve questions following an encounter between officers and members of the public. These officials also said that body-worn cameras are helping to prevent problems from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allowing agencies to identify and correct larger structural problems within the department. As a result, they report that their agencies are experiencing fewer complaints and that encounters between officers and the public have improved.

> *"Everyone is on their best behavior when the cameras are running. The officers, the public—everyone."*
>
> – Ron Miller, Chief of Police, Topeka (Kansas) Police Department

Reducing complaints and resolving officer-involved incidents

In 2012, the police department in Rialto, California, in partnership with the University of Cambridge-Institute of Criminology (UK), examined whether body-worn cameras would have any impact on the number of complaints against officers or on officers' use of force. Over the course of one year, the department randomly assigned body-worn cameras to various front-line officers across 988 shifts. The study found that there was a 60 percent reduction in officer use of force incidents following camera deployment, and during the experiment, the shifts without cameras experienced twice as many use of force incidents as shifts with cameras. The study also found that there was an 88 percent reduction in the number of citizen complaints between the year prior to camera implementation and the year following deployment.[3] Chief of Police William Farrar of Rialto, who oversaw the study, said, "Whether the reduced number of complaints was because of the officers behaving better or the citizens behaving better—well, it was probably a little bit of both."

Body-worn camera results for Rialto (California) Police Department

- 60 percent reduction in officer use of force incidents following camera deployment
- Half the number of use of force incidents for shifts with cameras compared to shifts without cameras
- 88 percent reduction in number of citizen complaints between the year prior to and following camera deployment

A study conducted in Mesa, Arizona, also found that body-worn cameras were associated with a reduction in complaints against officers. In October 2012, the Mesa Police Department implemented a one-year pilot program in which 50 officers were assigned to wear body-worn cameras, and 50 officers were assigned to a control group without the cameras. The two groups were demographically

3. William Farrar, "Operation Candid Camera: Rialto Police Department's Body-Worn Camera Experiment," *The Police Chief* 81 (2014): 20–25.

similar in terms of age, race, and other characteristics. The study, which was conducted by Arizona State University, found that during the first eight months of deployment, the officers without the cameras had almost three times as many complaints as the officers who wore the cameras.[4] The study also found that the officers assigned body-worn cameras had 40 percent fewer total complaints and 75 percent fewer use of force complaints during the pilot program than they did during the prior year when they were not wearing cameras.[5]

Body-worn camera results for Mesa (Arizona) Police Department

- Nearly 3x more complaints against officers without cameras, eight months after camera deployment
- 40 percent fewer total complaints for officers with cameras during pilot program
- 75 percent fewer use of force complaints for officers with cameras during pilot program

Police executives interviewed by PERF overwhelmingly report that their agencies experienced a noticeable drop in complaints against officers after deploying body-worn cameras. "There's absolutely no doubt that having body-worn cameras reduces the number of complaints against officers," said Chief of Police Ron Miller of Topeka, Kansas. One explanation for this is that the mere presence of a camera can lead to more civil interactions between officers and the public. "We actually encourage our officers to let people know that they are recording," said Chief of Police Ken Miller of Greensboro, North Carolina. "Why? Because we think that it elevates behavior on both sides of the camera."

Lieutenant Harold Rankin, who oversaw the body-worn camera program in Mesa, agrees: "Anytime you know you're being recorded, it's going to have an impact on your behavior. When our officers encounter a confrontational situation, they'll tell the person that the camera is running. That's often enough to deescalate the situation." Many police executives report that wearing cameras has helped improve professionalism among their officers. Chief Superintendent Cullen of New South Wales said, "After testing out body-worn cameras, the overwhelming response from officers was that the cameras increased their professionalism because they knew that everything they said and did was being recorded."

"In the testing we did [of body-worn cameras], we had a number of tenured officers who wanted to wear the cameras and try them out, and their feedback was very positive. They said things like, 'You'll be amazed at how people stop acting badly when you say this is a camera, even if they're intoxicated.' And we also know that the overwhelming majority of our officers are out there doing a very good job, and the cameras will show just that."

– Douglas Gillespie, Sheriff, Las Vegas Metropolitan Police Department

Many agencies have found that having video footage of an encounter also discourages people from filing unfounded complaints against officers. "We've actually had citizens come into the department to file a complaint, but after we show them the video, they literally turn and walk back out," said Chief Miller of Topeka. Chief of Police Michael Frazier of Surprise, Arizona, reports a similar experience. "Recently we received an allegation that an officer engaged in racial profiling during a traffic stop. The officer was wearing his body-worn camera, and the footage showed that the allegation was completely unfounded," Frazier said. "After reviewing the tape, the complainants admitted that they have never been treated unfavorably by any officers in my department." As several police officials noted, preventing unfounded complaints can save departments the significant amounts of time and money spent on lengthy investigations and lawsuits.

When questions arise following an encounter, police executives said that having a video record of events helps lead to a quicker resolution. According to the results of PERF's exploratory survey, the number one reason why police departments choose to implement body-worn cameras is to provide a more accurate documentation of police encounters with the public. Police executives report that when questions arise following an encounter or a major event such as an officer-involved shooting, having video from a body-worn camera can help resolve the questions.

4. Harold Rankin, "End of Program Evaluation and Recommendations: On-Officer Body Camera System" (Mesa, AZ: Mesa Police Department, 2013).
5. Ibid.

Agencies are also reporting that, in most of these cases, the resolution is in support of the officer's account of events. Chief of Police Mike Chitwood of Daytona Beach, Florida, recalled one example in which a member of the public threatened to file a complaint against officers following a contentious encounter. Alleging that the officers had threatened him and used racial epithets, the individual said that he would go to the news media if the department failed to take action. One of the officers involved had been wearing a body-worn camera. "We reviewed the video, and clearly the individual lied," recalled Chitwood. "The officer was glad to have the footage because the individual's allegations were absolutely not what was represented in the video."

"The use of body-worn video by frontline officers has real potential to reduce complaints of incivility and use of force by officers. The footage can also exonerate officers from vexatious and malicious complaints. In addition, I feel there are benefits to the criminal justice system in terms of more guilty pleas, reduced costs at court, and a reduction in the number of civil cases brought against the police service for unlawful arrest/excessive force. We already have good examples of body-worn video footage exonerating officers from malicious complaints."

– Paul Rumney, Detective Chief Superintendent, Greater Manchester (UK) Police

Body-worn cameras have also helped to resolve more serious incidents, including officer-involved shootings. Chief Miller of Topeka said that the local district attorney cleared an officer in a deadly shooting incident after viewing the officer's body-worn camera footage. Miller described how the camera footage captured the event in real time and provided a record of events that would otherwise not have existed. "The entire event was captured on video from the perspective of the officer. Now tell me when that happened before the advent of body-worn cameras," said Miller.

Several police departments, including those in Daytona Beach, Florida, and Greenville, North Carolina, are finding that officers with a history of complaints are now actively requesting to wear cameras. For officers who behave properly but generate complaints because they have high levels of activity or frequent contacts with criminal suspects, cameras can be seen as beneficial. "We all have our small percentage of officers with a history of complaints," said Chief of Police Hassan Aden of Greenville. "Internal Affairs has told me that these officers have come in to request body-worn cameras so that they can be protected in the future."

Identifying and correcting internal agency problems

Another way that body-worn cameras have strengthened accountability and transparency, according to many police executives, is by helping agencies identify and correct problems within the department. In fact, PERF's survey found that 94 percent of respondents use body-worn camera footage to train officers and aid in administrative reviews.

"We have about 450 body-worn cameras actively deployed, and in the overwhelming majority of cases, the footage demonstrates that the officer's actions were appropriate."

– Sean Whent, Chief of Police, Oakland (California) Police Department

Many police agencies are discovering that body-worn cameras can serve as a useful training tool to help improve officer performance. For example, agencies are using footage from body-worn cameras to provide scenario-based training, to evaluate the performance of new officers in the field, and to identify new areas in which training is needed. By using body-worn cameras in this way, agencies have the opportunity to raise standards of performance when it comes to tactics, communication, and customer service. This can help increase the perceived legitimacy and sense of procedural justice that communities have about their police departments.

Law enforcement agencies have also found that body-worn cameras can help them to identify officers who abuse their authority or commit other misconduct and to assist in correcting questionable behavior before it reaches that level. In Phoenix, for example, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct. Following a complaint

against the officer, the police department reviewed footage from the incident along with video from prior shifts. Upon finding repeated instances of verbal abuse, profanity, and threats against members of the public, the department terminated the officer. "It clearly shocked the conscience when you saw all of the different incidents," said Assistant Chief of Police Dave Harvey of Phoenix.

In Daytona Beach, Chief Chitwood requested that the officers with a history of complaints be among the first to be outfitted with body-worn cameras. Although he found that usually the videos demonstrated that "the majority of the officers are hardworking, good police," he has also seen how body-worn cameras can help an agency address discipline problems. Chitwood said:

> We had an officer who had several questionable incidents in the past, so we outfitted him with a camera. Right in the middle of an encounter with a subject, the camera goes blank, and then it comes back on when the incident is over. He said that the camera malfunctioned, so we gave him another one. A week later he goes to arrest a woman, and again, the camera goes blank just before the encounter. He claimed again that the camera had malfunctioned. So we conducted a forensic review of the camera, which determined that the officer had intentionally hit the power button right before the camera shut off. Our policy says that if you turn it off, you're done. He resigned the next day.

Body-worn cameras can also help law enforcement officials to address wide-reaching structural problems within the department. Many police officials that PERF consulted said that body-worn cameras have allowed them to identify potential weaknesses within their agencies and to develop solutions for improvement, such as offering new training programs or revising their departmental policies and protocols.

In Phoenix, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct.

For example, Chief of Police William Lansdowne of San Diego said that one reason his department is implementing body-worn cameras is to improve its understanding of incidents involving claims of racial profiling. "When it comes to collecting data, the raw numbers don't always fully capture the true scope of a problem," he said. "But by capturing an audio and video account of an encounter, cameras provide an objective record of whether racial profiling took place, what patterns of officer behavior are present, and how often the problem occurs."

Police agencies have also found that implementing a body-worn camera program can be useful when facing consent decrees and external investigations. Roy Austin, deputy assistant attorney general for the Civil Rights Division at the U.S. Department of Justice, said, "We want to get police departments out from under consent decrees as soon as possible. What is important is whether you can show that your officers are engaged in constitutional policing on a regular basis. Although it isn't an official Department of Justice policy, the Civil Rights Division believes that body-worn cameras can be useful for doing that."

Many police departments that have faced external investigations, including those in New Orleans and Detroit, are in various stages of testing and implementing body-worn cameras. Police executives in these cities said that cameras help them to demonstrate they are improving policies and practices within their agencies. Police Superintendent Ron Serpas of New Orleans, whose department is in the process of deploying more than 400 body-worn cameras, said, "Body-worn cameras will be good for us. The hardworking officers say, 'Chief, just give us a chance to show everyone that we are not like the people who went astray after Hurricane Katrina.' The one thing that New Orleans police officers want more than anything else is the independent verification that they are doing what they're

supposed to do." The police departments in Las Vegas, Nevada, and Spokane, Washington are also implementing body-worn cameras to assist in complying with the collaborative agreements they entered into with the COPS Office of the U.S. Department of Justice.

Chief of Police Charlie Beck of Los Angeles, whose department is testing body-worn cameras, understands first-hand how video evidence can help in these situations. "We exited our consent decree last year, and one of the reasons that the federal judge signed off on us was that we implemented in-car video," said Beck. "Recordings can help improve public trust."

Evidence documentation

Police executives said that body-worn cameras have significantly improved how officers capture evidence for investigations and court proceedings. Along with documenting encounters with members of the public, body-worn cameras can provide a record of interrogations and arrests, as well as what officers witness at crime scenes.

Chief of Police Jason Parker of Dalton, Georgia, described how body-worn cameras have helped officers to improve evidence collection at accident scenes. "It is always hard to gather evidence from accident scenes," Parker said. He explained that officers are often focused on securing the scene and performing life-saving measures and that witnesses and victims may not always remember what they had told officers in the confusion. This can lead to conflicting reports when victims and witnesses are asked to repeat their accounts in later statements. "Unlike in-car cameras, body-worn cameras capture everything that happens as officers travel around the scene and interview multiple people. The body-worn cameras have been incredibly useful in accurately preserving information."

Some prosecutors have started encouraging police departments to use body-worn cameras to capture more reliable evidence for court, particularly in matters like domestic violence cases that can be difficult to prosecute. Chief Chitwood of Daytona Beach explained how body-worn cameras have changed how domestic violence cases are handled. "Oftentimes we know that the suspect is repeatedly abusing the victim, but either the victim refuses to press charges, or there is simply not enough evidence to go to trial," he said. With the victim's consent, Daytona Beach officers can now use body-worn cameras to videotape victim statements. "The footage shows first-hand the victim's injuries, demeanor, and immediate reactions," Chitwood noted. In some cases, officers capture the assault itself on video if they arrive on the scene while the incident is still ongoing. "This means that we can have enough evidence to move forward with the case, even if the victim ultimately declines to prosecute."

Chief Miller of Topeka echoed this sentiment: "When we show suspects in domestic violence cases footage from the body-worn cameras, often they plead guilty without even having to go to trial."

"Some police departments are doing themselves a disservice by not using body-worn cameras. Everyone around you is going to have a camera, and so everyone else is going to be able to tell the story better than you if you don't have these cameras. And when the Civil Rights Division is looking at a police department, every piece of information that shows the department is engaged in constitutional policing is important. So of course body-worn cameras can help."

– Roy L. Austin, Jr., Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

"Although body-worn cameras are just one tool, the quality of information that they can capture is unsurpassed. With sound policy and guidance, their evidentiary value definitely outweighs any drawbacks or concerns."

– Jason Parker, Chief of Police, Dalton (Georgia) Police Department

Photo: Shutterstock/John Roman Images

Chapter 2. Considerations for Implementation

New technologies in policing raise numerous policy issues that must be considered. This is especially true with body-worn cameras, which can have significant implications in terms of privacy, community relationships, and internal departmental affairs. As agencies develop body-worn camera programs, it is crucial that they thoughtfully examine how their policies and practices intersect with these larger questions. Policy issues to look at include the effect these cameras have on privacy and community relationships, the concerns raised by frontline officers, the expectations that cameras create in terms of court proceedings and officer credibility, and the financial considerations that cameras present.

Privacy considerations

The proliferation of camera phones, advances in surveillance technology, and the emergence of social media have changed the way people view privacy, contributing to the sense that, as Police Commissioner Charles Ramsey of Philadelphia said, it sometimes feels as though "everyone is filming everybody." As technology advances and expectations of privacy evolve, it is critical that law enforcement agencies carefully consider how the technology they use affects the public's privacy rights, especially when courts have not yet provided guidance on these issues.

"In London we have CCTVs, which are quite extensive and becoming even more so, but the distinction is that those cameras don't listen to your conversations. They observe behavior and see what people do and cover public space, so you can see if there is a crime being committed. But CCTVs don't generally seek out individuals. So I think there is an important distinction there."

– Sir Bernard Hogan-Howe, Commissioner, London Metropolitan Police Service

Body-worn cameras raise many privacy issues that have not been considered before. Unlike many traditional surveillance methods, body-worn cameras can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology. In addition, while stationary surveillance cameras generally cover only public spaces, body-worn cameras give officers the ability to record inside private homes and to film sensitive situations that might emerge during calls for service.

There is also concern about how the footage from body-worn cameras might be stored and used. For example, will a person be able to obtain video that was recorded inside a neighbor's home? Will agencies keep videos indefinitely? Is it possible that the body-worn camera footage might be improperly posted online?

When implementing body-worn cameras, law enforcement agencies must balance these privacy considerations with the need for transparency of police operations, accurate documentation of events, and evidence collection. This means making careful decisions about when officers will be required to activate cameras, how long recorded data should be retained, who has access to the footage, who owns the recorded data, and how to handle internal and external requests for disclosure.

Determining when to record

The issue with perhaps the greatest privacy implications is deciding which types of encounters and activities officers should record. Should officers be required to record every interaction with a member of the public? Or are there some situations in which recording should be discretionary or prohibited?

One approach is to require officers to record all encounters with the public. This would require officers to activate their cameras not only during calls for service or other law enforcement-related encounters but also during informal conversations with members of the public (e.g., a person asking an officer for directions or an officer stopping into a store and engaging in casual conversation with the owner). This is the approach advocated by the American Civil Liberties Union (ACLU), which stated in a report released in October 2013, "If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public."[6]

"For the [American Civil Liberties Union], the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but only if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks."

– "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All" (New York: ACLU, 2013).

Scott Greenwood, an attorney with the ACLU, explained why the ACLU advocates recording all encounters. "You don't want to give officers a list and say, 'Only record the following 10 types of situations.' You want officers to record all the situations, so when a situation does go south, there's an unimpeachable record of it—good, bad, ugly, all of it. This is an optimal policy from a civil liberties perspective."

Greenwood said this approach benefits not only the public but also officers. "Mandatory recording is also what will protect an officer from allegations of discretionary recording or tampering," said Greenwood. "You want activating the camera to be a reflexive decision, not something that officers have to evaluate with each new situation. If officers have to determine what type of incident it is before recording, there are going to be a lot of situations in which a recording might have exonerated an officer, but the recording was never made."

However, PERF believes that requiring officers to record every encounter with the public would sometimes undermine community members' privacy rights and damage important police-community relationships. There are certain situations, such as interviews with crime victims and witnesses and informal, non-law enforcement interactions with members of the community, that call for affording officers some measure of discretion in determining whether to activate their cameras. There are situations in which not recording is a reasonable decision. An agency's body-worn camera policy should expressly describe these situations and provide solid guidance for officers when they exercise discretion not to record.

For example, officer discretion is needed in sensitive situations, such as encounters with crime victims or witnesses who are concerned about retaliation if they are seen as cooperating with the police. In other cases, officer discretion is needed for routine and casual situations—such as officers on foot or bike patrol who wish to chat with neighborhood residents—and turning on a video camera could make the encounter seem officious and off-putting.

6. Jay Stanley, "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All" (New York: ACLU, 2013), https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf.

Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits. In many cases, the department's written policy defines what constitutes a law enforcement-related encounter or activity, and some policies also provide a specific list of which activities are included. Many policies generally indicate that when in doubt, officers should record. Most policies also give officers the discretion to not record when doing so would be unsafe, impossible, or impractical, but most require officers to articulate in writing their reasons for not activating the camera or to say on camera why they are turning the camera off.

Police executives cite several reasons for favoring a more limited and flexible approach rather than requiring officers to record all encounters. One reason is that it gives officers the discretion to not record if they feel that doing so would infringe on an individual's privacy rights. For example, many police departments, including those in Oakland and Rialto, California; Mesa, Arizona; and Fort Collins, Colorado, give officers discretion regarding whether to record interviews with victims of rape, abuse, or other sensitive crimes. Some departments also extend this discretion to recording victims of other crimes. The Daytona Beach (Florida) Police Department recently changed its policy to require that officers obtain consent, on camera, from all crime victims prior to recording an interview. "This new policy is a response to the privacy concerns that arise when you are dealing with victims of crime," said Chief of Police Mike Chitwood of Daytona Beach.

Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits.

Some agencies encourage officers to use discretion when determining whether to record encounters with or searches of individuals who are partially or completely unclothed. Chief of Police Don Lanpher of Aberdeen, South Dakota, said, "We had an incident when officers were called to assist a female on a landing in an apartment building who was partially undressed. All of the officers had cameras, but they did not record her until she was covered. Officers are encouraged to use discretion in those cases."

In addition to privacy concerns, police executives cite the potential negative impact on community relationships as a reason for not requiring officers to record all encounters with the public. Their goal, always, is to maintain an open dialogue with community members and preserve the trust in their relationships.[7] "There are a lot of issues with recording every citizen contact without regard to how cooperative or adversarial it is," said Chief of Police Ken Miller of Greensboro, North Carolina. "If people think that they are going to be recorded every time they talk to an officer, regardless of the context, it is going to damage openness and create barriers to important relationships."

Commissioner Ramsey of Philadelphia agrees. "There has to be some measure of discretion. If you have a police interaction as a result of a 911 call or a reasonable suspicion stop, it is one thing—you should record in those situations. But you have to give officers discretion whether to record if they are just saying 'hello' to someone or if they are approached by an individual who wants to give them information."

7. See "Impact on community relationships" on page 19, "Securing community support" on page 21, "Protecting intelligence-gathering efforts" on page 22, and "Lessons learned about impact on community relationships" on page 24 for strategies departments have taken to address this impact.

Some police executives also believe that requiring officers to record all encounters can signal a lack of trust in officers, which is problematic for any department that wants to encourage its officers to be thoughtful and to show initiative. For example, a survey of officers conducted in Vacaville, California, found that although 70 percent of officers were in favor of using body-worn cameras, a majority were opposed to a policy containing strict requirements of mandatory recording of all police contacts.

"In a sensitive investigation, such as a rape or child abuse case, if you have a victim who doesn't want to be recorded, I think you have to take that into account. I think that you cannot just arbitrarily film every encounter. There are times when you've got to give your officers some discretion to turn the camera off. Of course, the officers should be required to articulate why they're not recording or why they're shutting it off, but we have to give them that discretion."

– Charlie Beck, Chief of Police, Los Angeles Police Department

"Legitimacy in policing is built on trust. And the notion of video-recording every interaction in a very tense situation would simply not be a practical operational way of delivering policing. In fact, it would exacerbate all sorts of problems. In the United Kingdom, we're also subject to human rights legislation, laws on right to privacy, right to family life, and I'm sure you have similar statutes. It's far more complicated than a blanket policy of 'every interaction is filmed.' I think that's far too simplistic. We have to give our officers some discretion. We cannot have a policy that limits discretion of officers to a point where using these devices has a negative effect on community-police relations."

– Sir Hugh Orde, President, Association of Chief Police Officers (UK)

For departments whose polices do not require officers to record every interaction with the public, the goal is to sufficiently ensure accountability and adherence to the department's body-worn camera policies and protocols. For example, when officers have discretion to not record an encounter, many departments require them to document, either on camera or in writing, the fact that they did not record and their reasons for not recording. Some departments also require officers to obtain supervisor approval to deactivate the camera if a subject requests to not be recorded.

Consent to record

In a handful of states, officers are legally required to inform subjects when they are recording and to obtain the person's consent to record. This is known as a "two-party consent" law, and it can create challenges to implementing a body-worn camera program. In many two-party consent states, however, police executives have successfully worked with their state legislatures to have the consent requirement waived for body-worn police cameras. For example, in February 2014 Pennsylvania enacted a law waiving the two-party consent requirement for police using body-worn cameras.[8] Efforts are under way to change two-party consent statutes in other jurisdictions as well. Each department must research its state laws to determine whether the two-party consent requirement applies.

Some police executives believe that it is good practice for officers to inform people when they are recording, even if such disclosures are not required by law. In Greensboro, for example, officers are encouraged—but not required—to announce when they are recording. Chief Miller of Greensboro said this policy is based on the belief that the knowledge that cameras are running can help defuse potentially confrontational situations and improve behavior from all parties.

However, many police executives in one-party consent states do not explicitly instruct officers to inform people that they are recording. "Kansas is a one-party consent state, so only the officer needs to know that the camera is running. But if a person asks, the officer tells them the truth," said Chief of Police Ron Miller of Topeka, Kansas.

8. Police body cameras heading to Pennsylvania (February 10, 2014), ABC 27 News, http://www.abc27.com/story/24686416/police-body-cameras-heading-to-pennsylvania.

Recording inside private homes

Another privacy question is whether and under what conditions officers should be allowed to record while inside a person's home. Many law enforcement agencies have taken the position that officers have the right to record inside a private home as long as they have a legal right to be there. According to this approach, if an officer enters a home in response to a call for service, pursuant to a valid search warrant, or with consent of the resident, officers can record what they find inside.

There is a concern that footage taken inside a private home may be subject to public disclosure. Deputy Chief of Police William Roseman of Albuquerque described how this can be particularly problematic in states with broad public disclosure laws. "Here in Albuquerque, everything is open to public record unless it is part of an ongoing investigation. So if police come into your house and it is captured on video, and if the video isn't being used in an investigation, your neighbor can request the footage under the open records act, and we must give it to them." Scott Greenwood of the ACLU has expressed similar concerns:

> An officer might be allowed to go into the residence and record, but that does not mean that everything inside ought to be public record. The warrant is an exception to the Fourth Amendment, not a waiver. We do not want this to show up on YouTube. My next-door neighbor should never be able to view something that happened inside my house without my permission.

"One of the things we are forgetting is that we already send officers into people's homes and have them document all these bits of information that we're worried about recording. If an officer enters someone's home, they document the condition of the home, especially if it's a case about a child or involves domestic violence or physical injury. So videos are just a technologically advanced type of police report that should be treated no differently from an initial contact form that we currently fill out every day. The advantage of a camera is now you have a factual representation as opposed to an interpretation by an officer."

– Chris Burbank, Chief of Police, Salt Lake City (Utah) Police Department

Data storage, retention, and disclosure

Decisions about where to store video footage and how long to keep it can have a far-reaching effect on privacy. Many police executives believe that privacy concerns can be addressed through data storage, retention, and disclosure policies. However, when developing these policies, agency leaders must balance privacy considerations with other factors, such as state law requirements, transparency, and data storage capacity and cost.

Data storage policies

Among police executives interviewed by PERF, security, reliability, cost, and technical capacity were the primary factors cited for choosing a particular method for storing video files from body-worn cameras. Among the more than 40 departments that PERF consulted, all stored body-worn camera video on an in-house server (managed internally) or an online cloud database (managed by a third-party vendor).[9]

Police executives noted a number of strategies that can help agencies protect the integrity and privacy of their recorded data, regardless of which storage method is used. These lessons learned regarding data storage include the following:

- *Consult with prosecutors and legal advisors:* Legal experts can advise whether data storage policies and practices are in compliance with all relevant laws and adequately preserve evidentiary chain of custody.

9. Cloud storage is a method for storing and backing up electronic data. The data is maintained and managed remotely, generally by a third party, and made available to users over a network, or "cloud."

- *Explicitly prohibit data tampering, editing, and copying.*
- *Include protections against tampering with the data prior to downloading:* This helps to mitigate concerns that officers will be able to alter or delete recordings prior to downloading them. Some body-worn camera systems are sold with technological safeguards that make it impossible for an officer to access the data prior to downloading.
- *Create an auditing system:* It is important to have a record of who accesses video data, when, and for what purpose. Some storage systems include a built-in audit trail.
- *Explicitly state who will be authorized to access data:* Many written policies outline who will have access to the data (e.g., supervisors, Internal Affairs, certain other officers and department personnel, and prosecutors) and for what purpose (e.g., administrative review, training, and investigations).
- *Ensure there is a reliable back-up system:* Some systems have a built-in backup system that preserves recorded data, and some departments copy recordings to disc and store them as evidence.
- *Specify when videos will be downloaded from the camera to the storage system and who will download them:* The majority of existing policies require the camera operator to download the footage by the end of each shift. In the case of an officer-involved shooting or other serious incident, some policies require supervisors to step in and physically take possession of the camera and assume downloading responsibilities.

> *"Whether you store video internally or externally, protecting the data and preserving the chain of custody should always be a concern. Either way, you need something built into the system so that you know that video has not been altered."*
>
> – Ken Miller, Chief of Police, Greensboro (North Carolina) Police Department

- *Consider third-party vendors carefully:* Overwhelmingly, the police executives whom PERF interviewed reported that their legal advisors and prosecutors were comfortable using a third-party vendor to manage the storage system. When deciding whether to use a third-party vendor, departments consider the vendor's technical assistance capabilities and whether the system includes protections such as an audit trail, backup system, etc. Police executives stressed the importance of entering into a legal contract with the vendor that protects the agency's data.

These strategies are important not only for protecting the privacy rights of the people recorded but also for preserving evidence and resolving allegations of data tampering.

Data retention policies

The length of time that departments retain body-worn camera footage plays a key role for privacy. The longer that recorded videos are retained, the longer they are subject to public disclosure, which can be problematic if the video contains footage associated with privacy concerns. And community members' concerns about police departments collecting data about them in the first place are lessened if the videos are not retained for long periods of time.

The retention times are generally dictated by the type of encounter or incident that the footage captures. Although protocols vary by department, footage is typically categorized as either "evidentiary" or "non-evidentiary."

Evidentiary video involves footage of an incident or encounter that could prove useful for investigative purposes, such as a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. Evidentiary footage is usually further categorized by specific incident type, and the retention period is governed by state evidentiary rules for that incident. For example, many state laws require that footage involving a homicide

be retained indefinitely, but video of a traffic citation must be kept for only a matter of months. Departments often purge evidentiary videos at the conclusion of the investigation, court proceeding, or administrative hearing for which they were used.

Non-evidentiary video involves footage that does necessarily have value to aid in an investigation or prosecution, such as footage of an incident or encounter that does not lead to an arrest or citation or of general activities that an officer might perform while on duty (e.g., assisting a motorist or clearing a roadway). Agencies often have more leeway in setting retention times for non-evidentiary videos, which are generally not subject to state evidentiary laws.

Of the departments that PERF consulted, the most common retention time for non-evidentiary video was between 60 and 90 days. Some departments retain non-evidentiary video for an even shorter period. Fort Collins, Colorado, for example, discards footage after seven days if there is no citizen contact recorded and after 30 days if contact is made but no enforcement action is taken. On the other end of the spectrum, some departments, such as Albuquerque, retain non-evidentiary video for a full year.

Many police executives express a preference for shorter retention times for non-evidentiary video. Shorter retention periods not only address privacy concerns but also reduce the costs associated with data storage. On the other hand, police executives noted that they must keep videos long enough to demonstrate transparency and to have footage of an encounter in case a complaint arises about an officer's actions. For example, departments in Rialto, Fort Collins, Albuquerque, Daytona Beach, and Toronto base retention times in part on how long it generally takes for complaints to be filed.

"It is important to have retention policies that are directly linked to the purposes of having the video, whether that purpose is to have evidence of a crime or to hold officers and the public accountable. Agencies should not retain every video indefinitely, or else those videos could be used down the road for all sorts of inappropriate reasons."

– Lorie Fridell, Associate Professor, University of South Florida

Public disclosure policies

State public disclosure laws, often known as freedom of information laws, govern when footage from body-worn cameras is subject to public release. However, most of these laws were written long before law enforcement agencies began deploying body-worn cameras, so the laws do not necessarily account for all of the considerations that must be made when police departments undertake a body-worn camera program.

Although broad disclosure policies can promote police agency transparency and accountability, some videos—especially recordings of victims or from inside people's homes—will raise privacy concerns if they are released to the public or the news media. When determining how to approach public disclosure issues, law enforcement agencies must balance the legitimate interest of openness with protecting privacy rights.[10]

In most state public disclosure laws, exceptions are outlined that may exempt body-worn camera footage from public release. For example, even the broadest disclosure laws typically contain an exception for video that contains evidence or is part of an ongoing investigation. Some state disclosure laws, such as those in North Carolina, also exempt personnel records from public release. Body-worn camera videos used to monitor officer performance may fall under this type of exception.

10. Scott Greenwood of the ACLU recommends that police executives work with the ACLU to ensure that state disclosure laws contain adequate privacy protections for body-worn camera videos. "If interpreted too broadly, open records laws can undermine the accountability of law enforcement agencies," said Greenwood. "You want to make sure that the video is not subject to arbitrary disclosure. It deserves the highest level of protection."

These exceptions to public disclosure can help police departments to avoid being required to release videos if doing so could jeopardize a criminal prosecution. The exceptions can also help police to protect the privacy of crime victims and witnesses. However, by policy and practice, law enforcement agencies should apply these exceptions judiciously to avoid any suspicion by community members that police are withholding video footage to hide officer misconduct or mistakes. In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests. When an agency decides whether to release or withhold body-worn camera footage of a particular incident, the agency should articulate its reasons for doing so.

"When developing body-worn camera policies, agencies have to consider how open the public disclosure laws are in their state. Are they going to have to give up all of their footage to any person that requests it? Or are there some protections? This is important to think about when it comes to privacy."

– Ron Miller, Chief of Police, Topeka (Kansas) Police Department

In addition, some agencies have adopted recording and retention policies that help to avoid violations of privacy. For example, some agencies allow officers to deactivate their cameras during interviews with crime victims or witnesses. And short retention times for non-evidentiary video footage can reduce the window of opportunity for requests for release of video footage that would serve no legitimate purpose.

Lessons learned on privacy considerations

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned regarding body-worn cameras and privacy rights:

- Body-worn cameras have significant implications for the public's privacy rights, particularly when it comes to recording victim interviews, nudity, and other sensitive subjects and when recording inside people's homes. Agencies must factor these privacy considerations into decisions about when to record, where and how long to store data, and how to respond to public requests for video footage.
- In terms of when officers should be required to activate their cameras, the most common approach is requiring officers to record all calls for service and law enforcement-related encounters and activities and to deactivate the camera only at the conclusion of the event or with supervisor approval.
- It is essential to clearly define what constitutes a law enforcement-related encounter or activity in the department's written body-worn camera policy. It is also useful to provide a list of specific activities that are included, noting that the list is not necessarily all inclusive. Many agencies give a general recommendation to officers that when they are in doubt, they should record.
- To protect officer safety and acknowledge that recording may not be possible in every situation, it is helpful to state in policies that recording will not be required if it would be unsafe, impossible, or impractical.
- Significant privacy concerns can arise when interviewing crime victims, particularly in situations involving rape, abuse, or other sensitive matters. Some agencies prefer to give officers discretion regarding whether to record in these circumstances. In such cases, officers should take into account the evidentiary value of recording and the willingness of the victim to speak on camera. Some agencies go a step further and require officers to obtain the victim's consent prior to recording the interview.
- To promote officer accountability, most policies require officers to document, on camera or in writing, the reasons why the officer deactivated the camera in situations that are otherwise required to be recorded.

- In one-party consent states, officers are not legally required to notify subjects when officers are recording. However, some agencies have found that announcing the camera is running promotes better behavior and defuses potentially confrontational encounters.
- When making decisions about where to store body-worn camera footage, how long to keep it, and how it should be disclosed to the public, it is advisable for agencies to consult with departmental legal counsel and prosecutors.
- Regardless of the chosen method for storing recorded data, agencies should take all possible steps to protect the integrity and security of the data. This includes explicitly stating who has access to the data and under what circumstances, creating an audit system for monitoring access, ensuring there is a reliable back-up system, specifying how data will be downloaded from the camera, and including protections against data tampering prior to downloading.
- It is important that videos be properly categorized according to the type of event contained in the footage. How the videos are categorized will determine how long they are retained, who has access, and whether they can be disclosed to the public.
- To help protect privacy rights, it is generally preferable to set shorter retention times for non-evidentiary data. The most common retention time for this video is between 60 and 90 days.
- When setting retention times, agencies should consider privacy concerns, the scope of the state's public disclosure laws, the amount of time the public needs to file complaints, and data storage capacity and costs.
- Evidentiary footage is generally exempt from public disclosure while it is part of an ongoing investigation or court proceeding. Deleting this video after it serves its evidentiary purpose can reduce the quantity of video stored and protect it from unauthorized access or release. It is important to always check whether deletion is in compliance with laws governing evidence retention.
- Informing the public about how long video will be retained can help promote agency transparency and accountability. Some agencies have found it useful to post retention times on the department's website.
- It is important for the agency to communicate its public disclosure policy to the community when the body-worn camera program is deployed to develop public understanding of the technology and the reasons for adopting it.

In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests.

Impact on community relationships

Building positive relationships with the community is a critical aspect of policing, and these relationships can exist only if police have earned the trust of the people they serve. Police rely on these community partnerships to help them address crime and disorder issues.

At the PERF conference, a number of participants expressed concern that excessive recording with body-worn cameras may damage the relationships officers have developed with the community and hinder the openness of their community policing interactions. Some police executives fear, for

example, that people will be less likely to come forward to share information if they know their conversation is going to be recorded, particularly in high-crime neighborhoods where residents might be subject to retaliation if they are seen as cooperating with police.

"Before we make a decision on where to go with body-worn cameras, I really think that all of us need to stop and consider some of these larger unanswered questions. We need to look at not only whether the cameras reduce complaints but also how they relate to witnesses on the street coming forward, what they mean for trust and officer credibility, and what messages they send to the public."

– Bob Cherry, Detective of Baltimore Police Department and President of Baltimore City Fraternal Order of Police

Detective Bob Cherry of the Baltimore Police Department, who is also the president of the Baltimore City Fraternal Order of Police, said, "Trust builds through relationships, and body-worn cameras start from a position of mistrust. The comments I hear from some officers are, 'I'm worried that if I wear a camera, it is going to make it hard to continue the relationship I have with a business owner or the lady down the street. These are the people I'm working with now to clean up the neighborhood.'"

Some police executives reported that deploying body-worn cameras has in fact had a negative impact on their intelligence-gathering activities, particularly when officers are not allowed the discretion to turn off the camera. Chief of Police Sean Whent of Oakland, California, explained, "Our policy is to film all detentions and to keep recording until the encounter is over. But let's say an officer detains someone, and now that person wants to give up information. We are finding that people are not inclined to do so with the camera running. We are considering changing our policy to allow officers to turn off the camera in those situations."

The Mesa (Arizona) Police Department has also found that body-worn cameras can undermine information-gathering efforts. "We have definitely seen people being more reluctant to give information when they know that they are being videotaped," said Lieutenant Harold Rankin.

However, other police executives said that these types of situations are rare and that body-worn cameras have not had a significant impact on their ability to gather information from the public. For some agencies, public reaction to the cameras has been practically nonexistent. Major Stephen Willis of the Charlotte-Mecklenburg (North Carolina) Police Department said, "We have had in-car cameras for many years, and in most instances the public has an expectation that they will be recorded. We encountered very little resistance from the public when we piloted body-worn cameras." Deputy Chief of Police Cory Christensen of Fort Collins, Colorado, said, "We are not seeing much pushback from the community. Often people do not even notice the presence of the cameras."

"I disagree that cameras hurt community relationships," said Chief of Police William Farrar of Rialto, California. "We have not seen any evidence of that. People will ask officers if they have a camera on, but it does not seem to bother them." In fact, in its evaluation of its body-worn camera program, the Rialto Police Department found that officers made 3,178 more contacts with the public (not counting calls for service) during the year that cameras were deployed than in the prior year.[11]

Some police executives reported that body-worn cameras have actually improved certain aspects of their police-community relationships. These executives said that the presence of cameras leads to better behavior by both the officer and the person being recorded. "The cameras help defuse some of the tensions that might come up during encounters with the public. I think that 98 percent of the time, cameras help improve relationships with the community," said Chief Chitwood of Daytona Beach. Deputy Chief Christensen of Fort Collins agreed: "Officers wearing cameras have reported a noticeable improvement in the quality of their encounters with the public. With both sides behaving better, community relations will improve."

11. William Farrar, "Operation Candid Camera: Rialto Police Department's Body-Worn Camera Experiment," *The Police Chief* 81 (2014): 20–25.

Sir Robert Peel's Principles of Policing

Sir Robert Peel, who created London's Metropolitan Police Force in 1829, is known as the father of modern policing. He helped to establish a policing philosophy grounded in professionalism, ethics, and strong police-community cooperation, which continues to influence policing to this day. The "Nine Principles of Policing," which were issued to the first officers of the London Metropolitan Police and reflect Sir Robert Peel's philosophy, provide guidance on the role of police and the importance of maintaining strong police-community relationships.

The following principles attributed to Peel seem to have relevance for a discussion of how body-worn cameras can affect police officers' relationships with community members:

> Police must recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior and on their ability to secure, and maintain public respect.
>
> Police must recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of laws.
>
> Police must maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.*

* "Principles of Good Policing," Institute for the Study of Civil Society, http://www.civitas.org.uk/pubs/policeNine.php.

Cameras have also helped assure the public that an agency is serious about transparency and officer accountability, according to several police executives. "We have found that body-worn cameras can actually help strengthen trust and police legitimacy within the community," said Chief of Police Hassan Aden of Greenville, North Carolina. To illustrate this point, Aden shared the following story:

> A local community group approached me with a genuine concern that certain officers were racially profiling subjects during traffic stops. We went back and looked at the footage from these officers' body-worn cameras and found that there was indeed a pattern of using flimsy probable cause when making stops. However, we determined that it was a training problem and immediately changed the relevant training protocols. The organization that had raised the complaint was happy with the outcome. They appreciated that we had the body-worn camera footage, that the officers' behavior was investigated, and that we used the video to help us improve.

"We want our officers to go out, get out of their cars, and talk to the public about football or whatever it may be to establish an informal relationship. That's how you build partnerships and persuade people to give you information about crime in their area. I think if we say that every single interaction is going to be recorded, the danger is that it will lead to a more officious relationship. Maybe the public will get used to it, just as in our country they've gotten used to cameras on the streets. But as we start off, I think there's a danger that every interaction will become a formal interaction, and the informal relationships may be eroded."

– Sir Peter Fahy, Chief Constable, Greater Manchester (UK) Police

Securing community support

To mitigate community concerns, many police executives found it useful to engage the community before rolling out their camera programs. The Rialto Police Department, for example, used social media to inform the public about its body-worn camera program. "You have to engage the public before the cameras hit the streets," said Chief Farrar of Rialto. "You have to tell people what the cameras are going to be used for and how everyone can benefit from them."

The Los Angeles Police Department, which is in the process of testing body-worn cameras, plans to solicit public feedback when developing its camera policies. The Greensboro (North Carolina) Police Department partnered with the Greensboro Police Foundation, which launched a "Put Cameras on Cops" public information campaign that included posting billboards and reaching out to the community.

Chief Lanpher of Aberdeen said that it is also important for agencies to engage local policymakers and other stakeholders. "Police departments cannot do this alone," he said. "We went to the mayor, the city council, and the state's attorney's office and showed them actual footage that officers had recorded to demonstrate why these cameras would be useful. Without their support, implementing the program would have been a challenge. Communication and developing those partnerships is critical."

"My opinion is that body-worn cameras will help with community relationships. They will show when officers are doing a good job and help us correct when they aren't. This is good for the community."

— Lieutenant Dan Mark, Aurora (Colorado) Police Department

"I think it's absolutely critical that we talk to the public about [body-worn cameras]. We need to bring them on board and have them understand what this is about and go through the advantages and disadvantages and the issues."

– Sir Peter Fahy, Chief Constable, Greater Manchester (UK) Police

There are also indications that the public is more accepting of body-worn cameras if agencies are transparent about their camera policies and practices. Some agencies post their camera policies on their websites. In addition, some agencies, such as the Oakland Police Department, have proactively posted body-worn camera footage on their websites to demonstrate transparency and to help resolve questions surrounding controversial incidents.

In Phoenix, the police department released to the media body-worn camera footage from an officer who was fired for misconduct. Assistant Chief of Police Dave Harvey of Phoenix explained that the police union requested the release to demonstrate transparency.

"It is important that agencies are open and transparent with the community," said Deputy Chief Christensen of Fort Collins. "If we only show the good and hide the bad, it will foster distrust of the police."

Protecting intelligence-gathering efforts

In addition to engaging the public to mitigate concerns, some agencies have adopted recording policies that seek to minimize the potential damage that body-worn cameras have on police-community relationships. These agencies limit body-worn camera recordings to calls for service and law enforcement-related contacts, rather than recording every encounter with the public, so that officers do not feel compelled to record the kinds of casual conversations that are central to building informal relationships within the community.

Chief Miller of Topeka said that this approach has worked well. "I recently witnessed a community policing officer having a casual conversation with two citizens," he said. "The officer was wearing a camera, but it was not running at the time. The camera was clearly visible, but it did not create a problem." Chief Miller of Greensboro said, "From a community policing aspect, it does not make sense to record every single interaction with the public. If an officer sees someone on the street and just wants to talk about what is going on in the neighborhood, it is easier to have that conversation if the camera is not running."

A number of agencies also give officers the discretion to turn off their cameras when talking with a person who wants to share information about a crime. This situation can occur when a person approaches an officer with information or if an officer interviews witnesses at a crime scene. In either case, police executives said that officers must weigh the evidentiary value of recording the statement with the reality that some people who share information may not want to talk on camera. "If officers encounter an informant or witness who isn't comfortable being recorded, they have to decide whether obtaining the information outweighs recording the statement," said Lieutenant Rankin of Mesa. "If so, our officers can either turn the camera off or position the camera so that they capture audio but not video. People usually feel more comfortable with just the audio."

Chief Farrar of Rialto said that it is important for officers to maintain credibility with people who might want to share information. "We teach our officers to consider the facts of each incident before they record," he said. "When officers encounter reluctant witnesses, I would suggest that they develop a rapport by being honest and not pressuring them to talk, especially on camera."

"If officers are talking to a member of the community just to say hello or to ask what is going on in the neighborhood, it is usually better for the relationship if the officer does not record the conversation."

– Stephen Cullen, Chief Superintendent, New South Wales (AUS) Police Force

Many agencies, while allowing officers to turn off the camera at the request of the person being interviewed, nonetheless strongly encourage officers to record if at all possible. "It is important to remain flexible, as there are no absolutes," said Commander Michael Kurtenbach of Phoenix. "But we would generally recommend an officer to keep the camera on if possible when gathering information from witnesses."

Inspector Danny Inglis of Greater Manchester, United Kingdom, agreed. "I generally think there is more to gain than lose in terms of recording these kinds of statements," he said. "Recording is a way to capture critical intelligence and evidence. Our officers can turn the camera off at the person's request, but they should confirm the reason for this on camera."

The Topeka Police Department takes a similar approach. "Officers should try to leave the camera on to record exactly what a person says. If the person does not want to talk on camera, the officer can turn it off after stating the reason why," said Chief Miller. Again, it is important that officers weigh the situation before making a decision. "The detectives and the prosecutors will want witness interviews on camera if possible. But they would also rather have the good information than have the witness refuse to talk because of the camera," said Miller.

"We view evidence collection as one of the primary functions of cameras. So in the case of interviewing witnesses, we would make every attempt to capture the statement on video. However, we do allow discretion if the person we approach requests that the camera be turned off. Officers just need to understand what the tradeoff is."

– Cory Christensen, Deputy Chief of Police, Fort Collins (Colorado) Police Department

Some police executives said that the decision to record witnesses at a crime scene may depend on whether the scene is live or if it has been controlled. In many places, including Greensboro, Daytona Beach, and Rialto, officers typically leave their cameras running when responding to a live crime scene so they can capture spontaneous statements and impressions. Once the scene has been controlled (crime scene tape is put up, detectives arrive, etc.), it transitions into an investigative scene, and officers can turn the cameras off. Then they can determine whether to record more detailed statements taken from witnesses at the scene.

Agencies often include protections in their policies to ensure officers do not abuse their recording discretion. If an officer chooses not to record an encounter with someone giving information, he or she must typically document, on camera or in writing, the reason for not recording. In addition, many agencies require officers to activate the camera if an interaction becomes adversarial after the initial

contact. Chief Chitwood said this approach has worked in Daytona Beach. "Between their experience and training, the officers know when they need to turn on their cameras. Activating the camera in these situations has become second nature to them," he said.

Lessons learned about impact on community relationships

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned when addressing the impact body-worn cameras can have on community relationships:

- Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program in the community.
- Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.
- Social media is an effective way to facilitate public engagement.
- Transparency about the agency's camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the department website and publicly releasing video recordings of controversial incidents.
- Requiring officers to record calls for service and law enforcement-related activities—rather than every encounter with the public—can ensure officers are not compelled to record the types of casual conversations that are central to building informal relationships within the community.
- In cases in which persons are unwilling to share information about a crime if they are being recorded, it is a valuable policy to give officers discretion to deactivate their cameras or to position the camera to record only audio. Officers should consider whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.
- Recording the events at a live crime scene can help officers capture spontaneous statements and impressions that may be useful in the later investigation or prosecution.
- Requiring officers to document, on camera or in writing, the reasons why they deactivated a camera in situations that they are otherwise required to record promotes officer accountability.

Addressing officer concerns

For a body-worn camera program to be effective, it needs the support not only of the community but also of the frontline officers who will be wearing the cameras. Securing this support can help ensure the legitimacy of a camera program and make its implementation more successful. Agency leaders should engage in ongoing communication with officers about the program's goals, the benefits and challenges of using cameras, and the agency's expectations of the officers.

Officer concerns about body-worn cameras

One of the primary concerns for police executives is the fear that body-worn cameras will erode the trust between officers and the chief and top managers of the department. Some officers may view the cameras as a signal that their supervisors and managers do not trust them, and they worry that supervisors would use the cameras to track and scrutinize their every move. Inspector Inglis of Greater Manchester explained, "I have heard some resentment about the level of scrutiny that

officers will be under if they wear body-worn cameras. This is especially true with the first-level response officers, who already feel they are under an extraordinary amount of pressure to get everything right. I can understand this concern."

Given these concerns, one of the most important decisions an agency must make is how it will use camera footage to monitor officer performance. Most agencies permit supervisors to review videos so they can investigate a specific incident or complaint, identify videos for training purposes, ensure the system is working, and monitor overall compliance with the camera program.

"I have heard officers say that while they are not opposed to using body-worn cameras, they do have some concerns. Some of these concerns are more practical, like whether adding new equipment will be overly burdensome. But the larger philosophical concern is whether these cameras send the wrong message about the trust we place in officers. What does it say about officer professionalism and credibility if the department has to arm every officer with a camera?

– Bob Cherry, Detective of Baltimore Police Department and President of Baltimore City Fraternal Order of Police

However, there is some debate over whether supervisors should also periodically and randomly review videos to monitor officer performance. Some agencies allow periodic monitoring to help proactively identify problems and hold officers accountable for their performance. Other agencies permit periodic monitoring only in certain circumstances, such as when an officer is still in a probationary period or after an officer has received a certain number of complaints. Some agencies prohibit random monitoring altogether because they believe doing so is unnecessary if supervisors conduct reviews when an incident occurs.

In Greater Manchester, Inspector Inglis encourages supervisors to randomly review camera footage. "We use random review as a teaching tool, not just a supervision tool," he said. "Supervisors might not get a lot of face time with officers, so reviewing the video is a good way for supervisors to appraise officers and provide feedback. It also helps hold officers accountable and gives them incentive to record."

Other agencies expressly prohibit supervisors from randomly monitoring body-worn camera footage. "Per our policy, we do not randomly review videos to monitor officer performance," said Chief Chitwood of Daytona Beach. "Instead, our review is incident-based, so if there is an issue, we will review the footage. In those cases, we can also review prior videos to see if there is a pattern of behavior."

The Topeka Police Department generally prohibits random monitoring, though supervisors can periodically review videos if officers have received numerous complaints. Chief Miller of Topeka said that this policy strikes a balance between showing trust in the officers and holding them accountable. "If an officer does something wrong, you do not want to be accused of deliberate indifference because you had the videos but ignored them," he said. "You have to show that you reviewed the footage once you had a reason to do so."

Some police officials suggested that an agency's internal audit unit, rather than direct supervisors, should be responsible for periodic, random monitoring. They said this approach allows agencies to monitor compliance with the program and assess officer performance without undermining the trust between an officer and his or her supervisor. These officials stressed that internal audit reviews should be truly random (rather than targeted to a specific officer or officers) and should be conducted in accordance with a written standard of review that is communicated to the officers. Chief of Police Jeff Halstead of Fort Worth, Texas, said, "Random review of the camera footage, either by an internal auditor or a supervisor, is critical to demonstrating that an agency is doing what it is supposed to do and is serious about accountability."

In addition to concerns about trust and supervisor scrutiny, police executives said that some officers worried about the difficulty of operating the cameras and learning a new technology. "Officers can feel inundated with technology," said Chief of Police Roberto Villaseñor of Tucson. "In the past few

years, our department has introduced a new records management system and a new digital radio system. So some officers see body-worn cameras as another new piece of technology that they will have to learn." Some officers also said that cameras can be cumbersome and challenging to operate, and agencies often have to test several different camera models and camera placement on the body to determine what works best.

Addressing officer concerns

Agencies have taken various steps to address officer concerns about body-worn cameras. One of the most important steps, according to many police executives, is for agency leaders to engage in open communication with officers about what body-worn cameras will mean for them.

For example, a survey of officers conducted by the Vacaville (California) Police Department found that including officers in the implementation process—and allowing them to provide meaningful input—generated support for the cameras. Some police executives, like Chief Chitwood of Daytona Beach and Chief Lanpher of Aberdeen, have found it useful to attend officer briefings, roll calls, and meetings with union representatives to discuss the camera program. "My staff and I invested considerable time talking at briefings and department meetings with all employees who would be affected by body-worn cameras," said Chief of Police Michael Frazier of Surprise, Arizona. "This has helped us gain support for the program."

"I think police agencies can help the officer and fulfill their duties to the public by saying, 'We have an officer [whom] we think is having problems, and we are going to look at those videos to determine behavioral patterns.' You do not want to have a problem come up later and claim that you did not know about it even though you had videos. So to me, targeted monitoring makes sense."

– Christy Lopez, Deputy Chief, Special Litigation Section, Civil Rights Division, U.S. Department of Justice

Many police executives said that creating implementation teams comprised of representatives from various units within the department can help improve the legitimacy of a body-worn camera program. For example, as agencies develop body-worn camera policies and protocols, it can be useful to receive input from patrol commanders and officers, investigators, training supervisors, the legal department, communications staff, Internal Affairs personnel, evidence management personnel, and others across the agency who will be involved with body-worn cameras.

Police executives also said it is important to emphasize to officers that body-worn cameras are useful tools that can help them perform their duties. Chief Terry Gainer, U.S. Senate sergeant at arms, believes that framing body-worn cameras as a check on officer behavior is the wrong approach. "It's going to be hard to encourage our officers to be the self-actualized professionals that we want them to be if we say, 'Wear this because we're afraid you're bad, and cameras will help you prove that you're good,'" said Gainer. "Body cameras should be seen as a tool for creating evidence that will help ensure public safety."

Lieutenant John Carli of Vacaville, California, suggests that agencies frame the cameras as a teaching tool, rather than a disciplinary measure, by encouraging supervisors to review footage with officers and provide constructive feedback. One suggestion to accomplish this goal is to highlight officers whose videos demonstrate exemplary performance by showing their footage at training programs or by showing the video during an awards ceremony.

Incremental implementation

Some police executives have also found it helpful to take an incremental approach when implementing body-worn cameras. For example, the San Diego Police Department plans to deploy 100 cameras as part of a pilot program with the eventual goal of outfitting 900 uniformed officers with cameras.

The Greensboro Police Department took a similar approach. "When we first deployed the cameras, there was an undercurrent of apprehension on the part of the officers. So we rolled it out in small increments to help officers get more comfortable with the program," said Chief Miller of Greensboro. Gradual implementation can also help agencies learn which policies, practices, and camera systems are the best fit for their departments. Some agencies, such as the Mesa Police Department, initially assigned cameras to the most tech-savvy officers as a way to ease implementation.

> *"You have to ask yourself, what is the main reason you are implementing the program? Is it because you want to give officers a helpful tool, or because you do not trust them? The answer to that question—and how you convey it—will influence how officers receive the program."*
>
> – Lieutenant John Carli, Vacaville (California) Police Department

Many agencies have found that officers embrace body-worn cameras when they see evidence of the cameras' benefits. "Our officers have been fairly enthusiastic about body-worn cameras because they have seen examples of how the cameras have cleared fellow officers of complaints," said Lieutenant Dan Mark of Aurora, Colorado. "One officer was threatened by an individual, and it was captured on the officer's camera. We took the footage to the city attorney's office, and the individual was successfully prosecuted. Once that story got out among the officers, we saw a lot more acceptance of the cameras."

Police executives said that in many cases, officers see these benefits once they begin wearing the cameras. "The more officers use the cameras, the more they want to have them," said Lieutenant Gary Lewis from Appleton, Wisconsin. "If I could put cameras on all of my patrol officers, I would have 100 percent support." Chief Farrar of Rialto agreed: "Now that the officers wear the cameras, they say that they could not do without them."

Lessons learned about addressing officer concerns

Police executives revealed a number of lessons about addressing officers' concerns about body-worn cameras:

- As with any other deployment of a new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.
- Briefings, roll calls, and meetings with union representatives are effective means to communicate information about a body-worn camera program.
- Creating an implementation team that includes representatives from across the department can help strengthen program legitimacy and ease implementation.

> *"At first, officers had a lot of concerns about the 'Big Brother' aspect of body-worn cameras. But once they wear them and see the benefits, they are much more likely to embrace them. Resistance has been almost nonexistent."*
>
> – Chris Burbank, Chief of Police, Salt Lake City (Utah) Police Department

- Departments have found that officers support the program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.
- Recruiting an internal "champion" to help inform officers about the benefits of the cameras has proven successful in addressing officers' hesitation to embrace the new technology.
- Body-worn cameras can serve as a teaching tool when supervisors review footage with officers and provide constructive feedback.
- Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech-savvy officers.

Managing expectations

"In the beginning, some officers were opposed to the cameras. But as they began wearing them, they saw that there were more benefits than drawbacks. Some officers say that they would not go out on the street without a ballistic vest; now they say they will not go out without a camera."

– Lieutenant Harold Rankin, Mesa (Arizona) Police Department

Police executives said that it has become increasingly common for courts, arbitrators, and civilian review boards to expect police departments to use body-worn cameras. "If your department has a civilian review board, the expectation now is that police should have cameras," said Chief of Police Chris Burbank of Salt Lake City. "If you don't, they will ask, 'Why don't your officers have cameras? Why aren't your cameras fully deployed? Why does the next town over have cameras, but you don't?'"

In addition, people often expect that officers using body-worn cameras will record video of everything that happens while they are on duty. But most police departments do not require officers to record every encounter. Many agencies have policies against recording when it is unsafe or impossible, and some agencies give officers discretion to deactivate their cameras in certain sensitive situations, such as during interviews with victims or witnesses. Camera malfunctions may also occur. Some agencies have taken steps to inform judges, oversight bodies, and the public about these realities of using body-worn cameras.

Police executives said that these expectations can undermine an officer's credibility if questions arise about an incident that was not captured on video. This is one reason why many agencies require officers to articulate, either on camera or in writing, their reasons for turning a camera off in the middle of an incident or for not turning it on in the first place. These issues of credibility are also why it is important to provide rigorous, ongoing officer training on body-worn camera policies and practices. Some agencies find that situational training can be particularly useful. For example, the Oakland Police Department incorporated a program into its police academy that involves officers participating in situational exercises using training model cameras.

"There is a learning curve that comes with using body-worn cameras. And the video cannot always be taken at face value—the full story has to be known before conclusions are reached about what the video shows."

– Major Stephen Willis, Charlotte-Mecklenburg (North Carolina) Police Department

Expectations about body-worn cameras can also affect how cases are prosecuted in criminal courts. Some police executives said that judges and juries have come to rely heavily on camera footage as evidence, and some judges have even dismissed a case when video did not exist. "Juries no longer want to hear just officer testimony—they want to see the video," said Detective Cherry of Baltimore. "But the video only

gives a small snapshot of events. It does not capture the entire scene, or show the officer's thought process, or show an officer's investigative efforts. This technology shouldn't replace an officer's testimony. I'm concerned that if juries rely only on the video, it reduces the important role that our profession plays in criminal court."

Officer review of video prior to making statements

Given the impact that body-worn cameras can have in criminal and administrative proceedings, there is some question as to whether officers should be allowed to review camera footage prior to making a statement about an incident in which they were involved. According to many police executives, the primary benefit to officer review is that it allows officers to recall events more clearly, which helps get to the truth of what really happened. Some police executives, on the other hand, said that it is better for an officer's statement to reflect what he or she perceived during the event, rather than what the camera footage revealed.

"Right from the start, officers now learn how to use the cameras as part of their regular training on patrol procedures. We want activating the cameras to become a muscle memory so that officers do not have to think about it when they are in a real-world situation."

– Sean Whent, Chief of Police, Oakland (California) Police Department

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved. They believe that this approach provides the best evidence of what actually took place. PERF agrees with this position.

"When you're involved in a tense situation, you don't necessarily see everything that is going on around you, and it can later be difficult to remember exactly what happened," said Police Commissioner Ramsey of Philadelphia. "So I wouldn't have a problem with allowing an officer to review a video prior to making a statement."

Chief Burbank of Salt Lake City agreed. "Officers should be able to review evidence that is gathered about an event, and that includes body-worn camera footage," he said. "Some of the most accurate reports are generated by officers who take a moment to go back and review the circumstances. For example, I was once involved in a pursuit that lasted 30 minutes. I went back and re-drove the route and documented every turn before filing my report. Otherwise, it would have been impossible to remember everything that happened."

Chief Miller of Topeka said that if an officer is not allowed to review video, and if the footage conflicts with the officer's statement, it can create unfair doubts about the officer's credibility. "What we are after is the truth," he said. "If you make a statement that you used force because you thought a suspect had a gun but the video later shows that it was actually a cell phone, it looks like you were lying. But if you truly thought he had a gun, you were not lying—you were just wrong. An officer should be given the chance to make a statement using all of the evidence available; otherwise, it looks like we are just trying to catch an officer in a lie."

"I tell the officers every day: You usually don't get hurt by the videos you have. What hurts you is when you are supposed to have a video but, for whatever reason, you don't."

– Ron Miller, Chief of Police, Topeka (Kansas) Police Department

Police executives who favor review said that officers will be held accountable for their actions regardless of whether they are allowed to watch the video recordings prior to making a statement. "Officers are going to have to explain their actions, no matter what the video shows," said Chief Burbank of Salt Lake City. Chief Frazier of Surprise, Arizona, said, "If an officer has acted

inappropriately, and those actions were recorded, the officer cannot change the record and will have to answer for his or her actions. What will be gained by a review of the video is a more accurate accounting of the incident."

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved.

Other police executives, however, said that the truth—and the officer's credibility—are better served if an officer is not permitted to review footage of an incident prior to making a statement. "In terms of the officer's statement, what matters is the officer's perspective at the time of the event, not what is in the video," said Major Mark Person of the Prince George's County (Maryland) Police Department. "That perspective is what they are going to have to testify to. If officers watch the video before making a statement, they might tailor the statement to what they see. It can cause them to second-guess themselves, which makes them seem less credible."

Lessons learned about managing expectations

In interviews with PERF staff members, police executives discussed lessons that they have learned for managing expectations about body-worn cameras:

- With more and more agencies adopting body-worn cameras, courts, arbitrators, and civilian review boards have begun to expect not only that agencies will use cameras but also that officers will have footage of everything that happens while they are on duty. If this footage does not exist, even for entirely legitimate reasons, it may impact court or administrative proceedings and create questions about an officer's credibility. Agencies must take steps to manage expectations while also working to ensure that officers adhere to agency policies about activating cameras.
- Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations on how the cameras operate.
- Requiring an officer to articulate, on camera or in writing, the reason for not recording an event can help address questions about missing footage.
- Rigorous, ongoing officer training on body-worn camera policies and protocols is critical for improving camera usage. Situational training in which officers participate in exercises using mock cameras can be particularly useful in helping officers to understand how to operate cameras in the field.
- Many police executives believe that allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved provides the best evidence of what actually occurred.

Financial considerations

While body-worn cameras can provide many potential benefits to law enforcement agencies, they come at a considerable financial cost. In addition to the initial purchasing cost, agencies must devote funding and staffing resources toward storing recorded data, managing videos, disclosing copies of videos to the public, providing training to officers, and administering the program.

For some agencies, these costs make it challenging to implement a body-worn camera program. PERF's survey revealed that 39 percent of the respondents that do not use body-worn cameras cited cost as a primary reason. Chief Villaseñor of Tucson said that cost was a major obstacle to getting cameras. "In recent years, we've faced serious budget cuts and have had to reduce staffing levels," he said. "It can be hard to justify spending money on cameras when officers are fighting for their jobs." However, Villaseñor has put together a review committee to evaluate costs and explore how to implement body-worn cameras in Tucson.

Police Commissioner Ramsey said that in departments the size of Philadelphia's, which has 6,500 sworn officers, the cost of implementing a body-worn camera program would be extraordinary. "We've considered using cameras in Philadelphia, and we see all of the benefits they can provide," he said. "Cost is the primary thing holding us back."

Some police executives, however, said that body-worn cameras can save departments money. They said that by improving officer professionalism, defusing potentially confrontational encounters, strengthening officer training, and documenting encounters with the public, body-worn cameras can help reduce spurious lawsuits and complaints against officers. They also said that these savings more than make up for the considerable financial cost of implementing a camera program.

"If there is a lawsuit against the department, the settlements come from the department's operational budget," said Chief Chitwood of Daytona Beach. "By preventing these suits, the department has more money to spend on cars, technology, and other things that benefit officers."[12]

"I absolutely think that officers should be allowed to review camera footage from an incident in which they were involved, prior to speaking with internal investigators. With what we know of the effect of stressful incidents on the human mind, officers in most instances may not recall every aspect of the incident. Or they may recall events out of sequence or not remember everything until much later. For this reason alone, allowing an officer to review the video prior to making a statement seems prudent."

– Michael Frazier, Chief of Police, Surprise (Arizona) Police Department

The London Metropolitan Police Service, working together with the College of Policing, is planning to conduct a cost-benefit analysis in conjunction with its upcoming pilot program of 500 cameras. The analysis will measure whether the cameras contribute to cost savings in terms of promoting early guilty pleas in criminal cases and quicker resolution of complaints against officers. The study will also measure community and victim satisfaction with the cameras, as well as how the cameras impact the length of sentences that offenders receive.

12. See "Perceived Benefits of Body-Worn Cameras" on page 5 for additional discussion of cost-benefit analysis.

Cost of implementation

The price of body-worn cameras currently ranges from approximately $120 to nearly $2,000 for each device. Most of the agencies that PERF consulted spent between $800 and $1,200 for each camera. Prices vary depending on factors such as functionality, storage capacity, and battery life. Agencies must make this initial purchase up front, and sometimes they purchase cameras as part of a contract with the manufacturer for related services, such as data storage and technical assistance.

"Once you put cameras in the field, you're going to amass a lot of data that needs to be stored. Chiefs need to go into this with their eyes wide open. They need to understand what storage is going to cost, what their storage capacities are, and the amount of time it takes to review videos for public release. It is a major challenge."

– Kenton Rainey, Chief of Police, Bay Area Rapid Transit Police Department

Although the initial costs of purchasing the cameras can be steep, many police executives said that data storage is the most expensive aspect of a body-worn camera program. "Data storage costs can be crippling," said Chief Aden of Greenville. Captain Thomas Roberts of Las Vegas agreed. "Storing videos over the long term is an ongoing, extreme cost that agencies have to anticipate," said Roberts.

The cost of data storage will depend on how many videos are produced, how long videos are kept, and where the videos are stored. If the videos are stored on an online cloud database, the costs typically go toward paying a third-party vendor to manage the data and to provide other services, such as technical assistance and forensic auditing. If videos are stored on an in-house server, agencies must often purchase additional computer equipment and spend money on technical staff and systems to ensure the data are secure.

The New Orleans Police Department has launched a plan for deploying 350 body-worn cameras at an anticipated cost of $1.2 million over five years—the bulk of which will go to data storage.[13] One department reported that it will pay $2 million per year, mostly toward data storage, to outfit 900 officers with cameras. Another department spent $67,500 to purchase 50 cameras and will spend approximately $111,000 to store the video on a cloud for two years. In terms of storage, Chief Miller of Topeka said, "I've seen a formula that says that if you have 250 officers that have body-worn cameras, in three years you will produce 2.3 million videos. If the officer was required to run the camera continuously during his or her entire shift, it would produce even more. Managing and storing that data is usually more expensive than buying the cameras."

In addition to the cost of purchasing cameras and storing data, administering a body-worn camera program requires considerable ongoing financial and staffing commitments. Many agencies appoint at least one full-time officer to manage the camera program. Agencies must provide ongoing training programs, ensure that cameras are properly maintained, fix technical problems, and address any issues of officer noncompliance. Some agencies also devote resources toward public information campaigns aimed at educating the community about the program.

According to many police executives, one of the most significant administrative costs—at least in terms of staff resources—involves the process of reviewing and categorizing videos. Although the exact process varies depending on the camera system, officers must typically label, or "tag," videos as evidentiary or non-evidentiary. Evidentiary videos are further categorized according to the type of incident captured in the footage (e.g., homicide, robbery, or traffic citation). This tagging process is critical for determining how a video will be used and how long it will be retained. Most agencies that PERF consulted require officers to download and tag videos by the end of each shift.

13. "NOPD Wearable Cameras Expected to Cost $1.2 Million," The Times-Picayune, September 30, 2013, http://www.nola.com/crime/index.ssf/2013/09/post_346.html. Since The Times-Picayune published this article, New Orleans has increased the number of body-worn cameras it expects to deploy from 350 to more than 400.

Some officers have expressed concern about this increase to their administrative workload. "One of the major complaints we heard from officers was that they were spending so much time, after their shifts were over, downloading and tagging their videos," said Commander Tony Filler from Mesa. The department explored several solutions to this problem, ultimately creating an automated process that linked videos to the department's records management system (RMS). The department also purchased from the camera manufacturer electronic tablets that allow officers to view and tag videos while they are in the field. "The tablets were an additional cost, but they were worth it because they save officers a lot of time," said Filler.

Police executives said that there are also significant administrative costs involved with responding to requests from the public or the news media for body-worn camera videos. When an agency receives a disclosure request, often under the Freedom of Information Act, officers or other department personnel must spend time reviewing videos to find the relevant footage, determining whether an exception to the presumption of disclosure applies, identifying portions that by law must be redacted, and performing the redaction process.

Cost-saving strategies

Police executives discussed several strategies that their agencies have employed to mitigate the considerable financial and staffing costs associated with body-worn cameras. These strategies focus primarily on managing the costs of data storage, which many police executives said represent the most expensive aspect of their programs.

Although managing data storage costs is not the primary reason why many agencies have decided against recording non-law enforcement related encounters with the public, it can be a factor. "There is a huge difference in the amount of money it would take to record all encounters versus adopting a more restrictive recording policy," said Chief Miller of Greensboro. "If you record everything, there are going to be astronomical data storage costs. With 500 officers using cameras, we have already produced over 40,000 videos in just seven months. And we would have a lot more if we didn't use a more restrictive recording policy."

"Responding to public disclosure requests is one of the biggest challenges that my department faces. When a request for a video comes in, an officer has to sit for at least two hours and review the videos to find the footage and identify which portions must by law be redacted. And the actual redactions can take over 10 hours to complete."

– Lieutenant Harold Rankin, Mesa (Arizona) Police Department

Some agencies, such as the police departments in Oakland and Daytona Beach, are working to adopt shorter data retention periods for non-evidentiary footage in an effort to keep data storage costs manageable. Although it is important to keep videos long enough to demonstrate transparency and preserve a record of an encounter, keeping these videos indefinitely would overwhelm an agency's resources. Some agencies may even decide against adopting body-worn cameras due to the extraordinary costs of data storage.

"The two biggest challenges that we face in terms of cost are data storage and responding to records requests," said Chief Chitwood of Daytona Beach. "We had to brainstorm about how to address those costs, and one way was through changing our retention times."

As the public becomes more familiar with the existence of police body-worn camera programs, it is reasonable to expect that members of the public and the news media will increasingly want to obtain video recordings. Such public records requests will add to the workload of managing a camera program. Captain James Jones of the Houston Police Department said, "The cost of responding to

open records requests played a role when we were deciding how long to keep the video. To protect privacy, you have to go through every video and make sure that you're not disclosing something that you shouldn't. It takes a lot of time, and personnel, to review and redact every tape. If you keep video for five years, it is going to take even more."

Agencies have also explored cheaper storage methods for videos that by law must be retained long-term, such as those containing evidence regarding a homicide or other serious felony. For example, the Greensboro Police Department deletes videos requiring long-term storage from the online cloud after importing them into its RMS or Internal Affairs case management systems. This reduces overall consumption of expensive cloud storage for videos that are required for future court proceedings or long-term retention under state personnel laws. The Charlotte-Mecklenburg Police Department recently completed a body-worn camera trial program, and Major Willis said that the department is exploring alternative storage methods. "Long-term storage costs are definitely going to be a problem. We are looking at cold storage, offline storage, and shorter retention times as a way to keep those costs more manageable," he said.

Many police agencies have also found it useful to conduct a cost-benefit analysis when exploring whether to implement body-worn cameras. For example, agencies can conduct an audit of their claims, judgments, and settlements related to litigation and complaints against officers to determine what costs they may already be incurring. The costs associated with deploying body-worn cameras may be offset by reductions in litigation costs, and agencies should carefully assess their ongoing legal expenses to determine how they could be reduced through the use of body-worn cameras.

Lessons learned about financial considerations

In interviews with PERF staff members, police executives and other experts revealed a number of lessons that they have learned about the financial costs of body-worn cameras:

- The financial and administrative costs associated with body-worn camera programs include costs of the equipment, storing and managing recorded data, and responding to public requests for disclosure.
- It is useful to compare the costs of the camera program with the financial benefits (e.g., fewer lawsuits and unwarranted complaints against officers, as well as more efficient evidence collection).
- Setting shorter retention times for non-evidentiary videos can help make the significant costs of data storage more manageable.
- Videos requiring long-term storage (e.g., those involving serious offenses) can be copied to a disc, attached to the case file, and deleted from the internal server or online cloud. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times.
- Linking recorded data to the agency's records management system or using electronic tablets, which officers can use in the field, can ease the administrative burden of tagging and categorizing videos.

The Los Angeles Police Department's Approach to Financing Body-Worn Cameras

In September 2013, Los Angeles Police Commission President Steve Soboroff launched a campaign to raise money to purchase on-body cameras for the Los Angeles Police Department (LAPD). "Before being elected commission president, I heard from numerous leaders in the LAPD that getting on-body cameras was a top priority with a huge upside," said Soboroff in an interview with PERF. "After hearing all of the benefits that this technology could offer, I wanted to find a way to proactively jump-start the project."*

Realizing that trying to secure city funds for cameras would be challenging—the LAPD's in-car camera project has been going on for two decades and is only 25 percent complete—Soboroff devised a plan to identify private donors. Within five months, he had raised $1.3 million for a body-worn camera program, exceeding its original goal. Contributors included a number of local companies, executives, and philanthropists, including the Los Angeles Dodgers, movie director Steven Spielberg, entertainment executive Jeffrey Katzenberg, and former Los Angeles Mayor Richard Riordan.†

This money will go toward purchasing 600 body-worn cameras for LAPD officers and for video storage, repairs, and other costs over two years.‡ The LAPD said it would test several camera models before implementing its program.§ According to Soboroff, the LAPD will eventually need hundreds more cameras to outfit every patrol officer, but he hopes the pilot program will convince city officials that the cameras are worth the money. "I think that the pilot will show that body-worn cameras are transformative. I think it will show so many public safety benefits, and so many savings in litigation settlement dollars, man hours, and attorney hours, that the return on the investment will be apparent and significant," he said.**

Soboroff believes that other places can look at the LAPD's fundraising approach as a model. "Probably every city in America has financial concerns. But I believe that there are always going to be local businesses and philanthropists who are willing to help. You just have to show them that there is going to be a positive community and financial return on their investment or donation."†† However, Soboroff also said it is important that law enforcement agencies retain independence as they develop their programs: "The LAPD has complete control over which cameras it chooses and its camera policies. That is critical—there should be no outside influence from donors."§§

As Soboroff indicates, police agencies outside of Los Angeles have also sought private funding for body-worn cameras. For example, the Greensboro (North Carolina) Police Department told PERF that the Greensboro Police Foundation raised $130,000 from private donors to purchase 125 cameras. The Greensboro Police Foundation also created awareness by launching the "Put Cameras on Cops" public information campaign that included reaching out to potential donors and posting billboards in support of the program.

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* Steve Soboroff (president, Los Angeles Police Commission), in discussion with PERF staff members, fall 2013.

† "LAPD to Soon Start Testing Body Cameras," *CBS Los Angeles*, January 13, 2014, http://losangeles.cbslocal.com/2014/01/13/lapd-officers-to-soon-start-testing-body-cameras/.

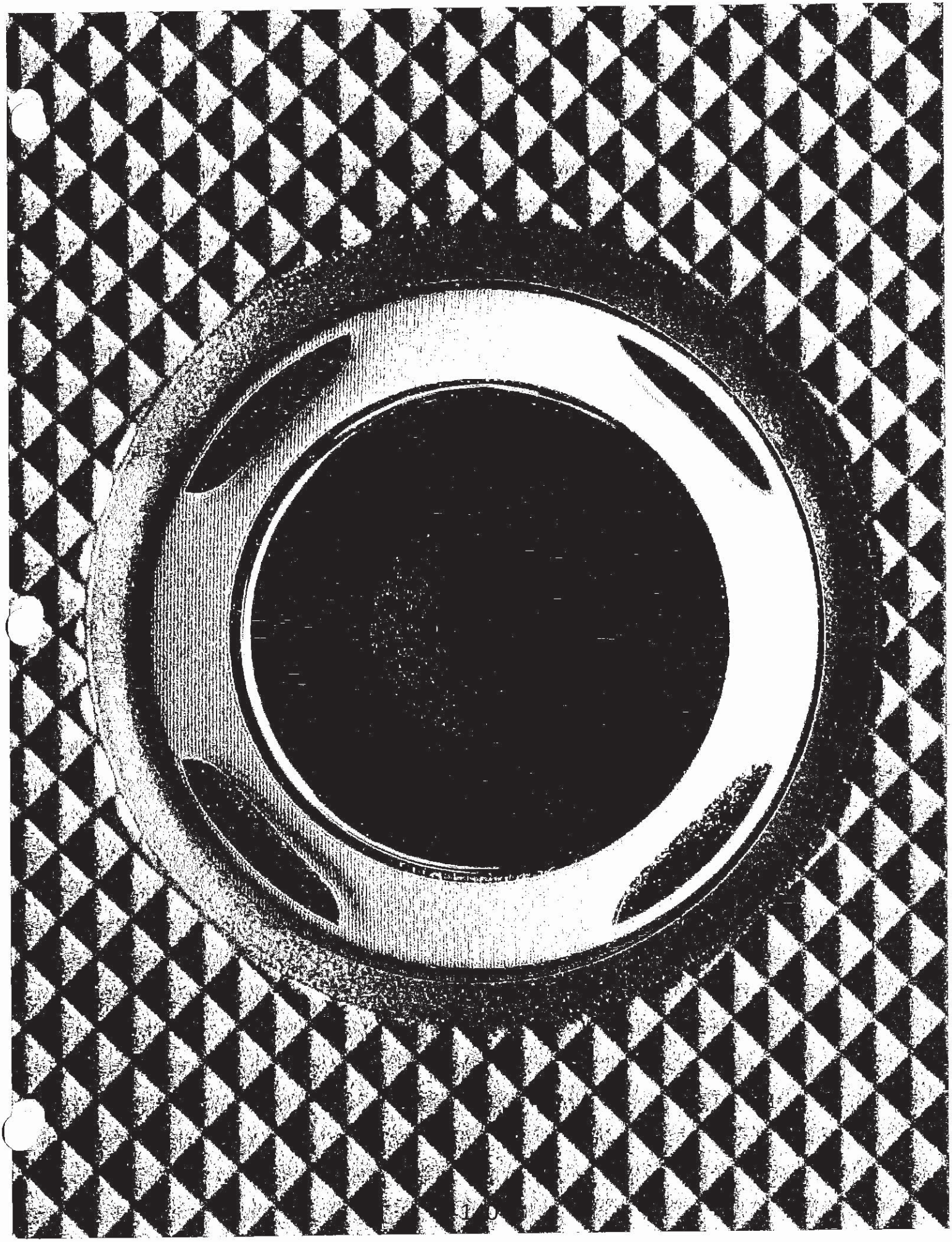
‡ "LAPD Surpasses Fundraising Goal for Officers' On-Body Cameras," *Los Angeles Times*, November 6, 2013, http://articles.latimes.com/2013/nov/06/local/la-me-ln-lapd-cameras-20131106.

§ "LAPD to Soon Start Testing Body Cameras."

** Soboroff, discussion with PERF staff members.

†† Ibid.

§§ Ibid.



Chapter 3. Body-Worn Camera Recommendations

The list of recommendations beginning on page 38 is intended to assist law enforcement agencies as they develop body-worn camera policies and practices. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this publication. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

Each law enforcement agency is different, and what works in one department might not be feasible in another. Agencies may find it necessary to adapt these recommendations to fit their own needs, budget and staffing limitations, state law requirements, and philosophical approach to privacy and policing issues.

When developing body-worn camera policies, PERF recommends that police agencies consult with frontline officers, local unions, the department's legal advisors, prosecutors, community groups, other local stakeholders, and the general public. Incorporating input from these groups will increase the perceived legitimacy of a department's body-worn camera policies and will make the implementation process go more smoothly for agencies that deploy these cameras.

PERF recommends that each agency develop its own comprehensive written policy to govern body-worn camera usage. Policies should cover the following topics:

- Basic camera usage, including who will be assigned to wear the cameras and where on the body the cameras are authorized to be placed
- The designated staff member(s) responsible for ensuring cameras are charged and in proper working order, for reporting and documenting problems with cameras, and for reissuing working cameras to avert malfunction claims if critical footage is not captured
- Recording protocols, including when to activate the camera, when to turn it off, and the types of circumstances in which recording is required, allowed, or prohibited
- The process for downloading recorded data from the camera, including who is responsible for downloading, when data must be downloaded, where data will be stored, and how to safeguard against data tampering or deletion
- The method for documenting chain of custody
- The length of time recorded data will be retained by the agency in various circumstances
- The process and policies for accessing and reviewing recorded data, including the persons authorized to access data and the circumstances in which recorded data can be reviewed

- Policies for releasing recorded data to the public, including protocols regarding redactions and responding to public disclosure requests
- Policies requiring that any contracts with a third-party vendor for cloud storage explicitly state that the videos are owned by the police agency and that its use and access are governed by agency policy

In summary, policies must comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent. Policies should be specific enough to provide clear and consistent guidance to officers yet allow room for flexibility as the program evolves. Agencies should make the policies available to the public, preferably by posting the policies on the agency website.

General recommendations

1. **Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.**

   It is not feasible for PERF to make a specific recommendation about which officers should be required to wear cameras. This decision will depend on an agency's resources, law enforcement needs, and other factors.

   Lessons learned: Some agencies have found it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers).

2. **If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.**

   For example, a specified number of complaints against an officer or disciplinary sanctions, or involvement in a particular type of activity (e.g., SWAT operations), might result in an officer being required to use a body-worn camera.

3. **Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.**

   Rationale: Most of the police executives whom PERF interviewed believe that allowing officers to use their own personal cameras while on duty is problematic. PERF agrees with this position. Because the agency would not own the recorded data, there would be little or no protection against the officer tampering with the videos or releasing them to the public or online. In addition, chain-of-custody issues would likely prevent the video evidence from being admitted as evidence in court.

   This recommendation applies regardless of whether the agency has deployed body-worn cameras.

4. **Policies should specify the location on the body on which cameras should be worn.**

   The most appropriate camera placement will depend on several factors, such as the type of camera system used. Agencies should test various camera locations to see what works for their officers in terms of field of vision, comfort, functionality, and ease of use.

   Lessons learned: Police executives have provided feedback regarding their experiences with different camera placements:

   - **Chest:** According to the results of PERF's survey, the chest was the most popular placement location among agencies.
   - **Head/sunglasses:** This is a very popular location because the camera "sees what the officer sees." The downside, however, is that an officer cannot always wear sunglasses. Some officers have also reported that the headband cameras are uncomfortably tight, and some expressed concern about the potential of injury when wearing a camera so close to the eye area.
   - **Shoulder/collar:** Although some officers like the perspective that this placement offers, others have found the camera can too easily be blocked when officers raise their arms. One agency, for example, lost valuable footage of an active shooter incident because the officer's firearm knocked the camera from his shoulder.
   - **Shooting side:** Some agencies specify that officers should wear cameras on the gun/shooting side of the body, which they believe affords a clearer view of events during shooting incidents.

5. **Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.**

   Rationale: This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence. Prosecutors may need to give potentially exculpatory materials to defense attorneys.

6. **Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See recommendations 7–13 for recording protocols.)**

   This may occur, for example, if an officer exercises recording discretion in accordance with the agency's policy because he or she cannot record due to unsafe conditions or if a person does not give consent to record when consent is required.

   Rationale: This holds officers accountable and helps supervisors investigate any recording irregularities that may occur.

Recording protocols

7. **As a general recording policy, officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.**

   7a: Policies and training materials should clearly define what is included in the description "law enforcement-related encounters and activities that occur while the officer is on duty." Some agencies have found it useful to provide a list of examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits.

   7b: Officers should also be required to activate the camera during the course of any encounter with the public that becomes adversarial after the initial contact.

   Rationale:

   - The policy affords officers discretion concerning whether to record informal, non-law enforcement-related interactions with members of the community, such as a person asking an officer for directions or officers having casual conversations with people they see on patrol. If officers were always required to record in these situations, it could inhibit the informal relationships that are critical to community policing efforts.
   - The policy can help to secure officer support for a body-worn camera program because it demonstrates to officers that they are trusted to understand when cameras should and should not be activated. Protocols should be reinforced in officer training.
   - The policy is broad enough to capture the encounters and activities that, because they are the most likely to produce evidence or lead to complaints from community members about the police, are most in need of accurate documentation. However, the policy is narrow enough to help keep the amount of recorded data more manageable. This can help reduce the costs associated with storing data, reviewing and tagging data, and responding to public records requests.

8. **Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.**

   Some states have two-party consent laws that require a person making a recording to obtain the consent of the person or persons being recorded. In this case, officers must obtain consent unless the law provides an exception for police recordings. Most states have one-party consent policies, which allow officers to make recordings without obtaining consent.

   PERF recommends that police in all states inform subjects that they are being recorded, aside from the exceptions stated already. This policy does not mean that officers in one-party consent states must obtain consent prior to recording; rather, they must inform subjects when the camera is running.

   Rationale: The mere knowledge that one is being recorded can help promote civility during police-citizen encounters. Police executives report that cameras improve both officer professionalism and the public's behavior, an observation that is supported by evaluations of body-worn camera programs.

9. **Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.**

   Officers should also announce while the camera is recording that the incident has concluded and the recording will now cease.

   See further discussion in recommendation 11b, "Lessons learned."

10. **Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.**

    Rationale: There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events.

    This policy should apply regardless of whether consent is required under state law.

    Crime victims should give or deny consent in writing and/or on camera.

11. **Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.**

    11a: When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.

    11b: Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.

    Situations in which officers may need to exercise discretion include the following:

    - When a community member approaches an officer to report a crime or share information
    - When an officer attempts to interview witnesses, either at a crime scene or during follow-up interviews

    Rationale: Some witnesses and community members may be hesitant to come forward with information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. This hesitancy can undermine community policing efforts and make it more difficult for officers to collect important information.

Lessons learned: Agencies have adopted various approaches for recording conversations with witnesses or other people who want to share information:

- Record unless the subject requests otherwise; after receiving such a request, the officer can turn the camera off.
- Require officers to proactively obtain consent from the subject prior to recording.
- Allow officers to position the camera so they capture only audio, and not video, of the person making the statement.
- Instruct officers to keep their cameras running during the initial response to an ongoing/live crime scene to capture spontaneous statements and impressions but to turn the camera off once the scene is controlled and moves into the investigative stage. Officers may then make a case-by-case decision about whether to record later interviews with witnesses on the scene.

If an officer does turn the camera off prior to obtaining information from a witness or informant, the officer should document on camera the reason for doing so.

12. **Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.**

    Under this policy, for example, officers may not record their partner while they are patrolling in their vehicle (unless they are responding to a call for service), are having lunch at their desks, are on breaks, are in the locker room, etc.

    Rationale: This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues.

13. **Policies should clearly state any other types of recordings that are prohibited by the agency.**

    Prohibited recordings should include the following:

    - Conversations with confidential informants and undercover officers (to protect confidentiality and officer safety)
    - Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms)
    - Strip searches
    - Conversations with other agency personnel that involve case tactics or strategy

Download and storage policies

14. **Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.**

15. **Policies should include specific measures to prevent data tampering, deleting, and copying.**

    Common strategies include the following:

    - Using data storage systems with built-in audit trails
    - Requiring the supervisor to physically take custody of the officer's body-worn camera at the scene of a shooting or at another serious incident in which the officer was involved and to assume responsibility for downloading the data (see recommendation 14)
    - Conducting forensic reviews of the camera equipment when questions arise (e.g., if an officer claims that he or she failed to record an incident because the camera malfunctioned)

16. **Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.**

    Rationale: First, many camera systems recharge and clear old data during the downloading process, so this policy helps to ensure cameras are properly maintained and ready for the next use. Second, events will be fresh in the officer's memory for the purpose of tagging and categorizing. Third, this policy ensures evidence will be entered into the system in a timely manner.

17. **Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.**

    If video contains footage that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public, it should be deemed "evidentiary" and categorized and tagged according to the type of incident. If the video does not contain evidence or it captures a routine, non-confrontational encounter, it should be considered "non-evidentiary" or a "non-event."

    Rationale: Proper labeling of recorded data is critical for two reasons. First, the retention time for recorded data typically depends on the category of the event captured in the video. Thus, proper tagging is critical for determining how long the data will be retained in the agency's system. Second, accurate tagging helps supervisors, prosecutors, and other authorized personnel to readily identify and access the data they need for investigations or court proceedings.

    Lessons learned: Some agencies report that reviewing and tagging recorded data can be a time-consuming process that is prone to human error. One agency addressed this issue by working with the camera manufacturer to develop an automated process that links the recorded data to the agency's records management system. Some camera systems can also be linked to electronic tablets that officers can use to review and tag recorded data while still in the field.

18. Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.

Agencies should clearly state all retention times in the policy and make the retention times public by posting them on their websites to ensure community members are aware of the amount of time they have to request copies of video footage.

Retention times for recorded data are typically subject to state laws and regulations that govern other types of evidence. Agencies should consult with legal counsel to ensure retention policies are in compliance with these laws.

- For evidentiary data, most state laws provide specific retention times depending on the type of incident. Agencies should set retention times for recorded data to meet the minimum time required by law but may decide to keep recorded data longer.
- For non-evidentiary data, policies should follow state law requirements when applicable. However, if the law does not provide specific requirements for non-evidentiary data, the agency should set a retention time that takes into account the following:
  - Departmental policies governing retention of other types of electronic records
  - Openness of the state's public disclosure laws
  - Need to preserve footage to promote transparency and investigate citizen complaints
  - Capacity for data storage

Agencies should obtain written approval for retention schedules from their legal counsel and prosecutors.

19. Policies should clearly state where body-worn camera videos are to be stored.

The decision of where to store recorded data will depend on each agency's needs and resources. PERF does not recommend any particular storage method. Agencies should consult with their department's legal counsel and with prosecutors to ensure the method for data storage meets any legal requirements and chain-of-custody needs.

Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Some agencies burn recorded data to discs as part of the evidence file folder.

Lessons learned: Factors that agency leaders should consider when determining storage location include the following:

- Security concerns
- Reliable methods for backing up data
- Chain-of-custody issues
- Capacity for data storage

Lessons learned: Police executives and prosecutors report that they have had no issues to date with using a third-party vendor to manage recorded data on an online cloud, so long as the chain of custody can be properly established. When using a third-party vendor, the keys to protecting the security and integrity of the data include the following:

- Using a reputable, experienced third-party vendor
- Entering into a legal contract that governs the vendor relationship and protects the agency's data
- Using a system that has a built-in audit trail to prevent data tampering and unauthorized access
- Using a system that has a reliable method for automatically backing up data
- Consulting with prosecutors and legal advisors

Recorded data access and review

20. **Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.**

    This can occur, for example, if an officer is involved in a shooting and has to give a statement about the shooting that may be used in an administrative review or a criminal or civil court proceeding.

    Rationale:

    - Reviewing footage will help officers remember the incident more clearly, which leads to more accurate documentation of events. The goal is to find the truth, which is facilitated by letting officers have all possible evidence of the event.
    - Real-time recording of the event is considered best evidence. It often provides a more accurate record than an officer's recollection, which can be affected by stress and other factors. Research into eyewitness testimony demonstrates that stressful situations with many distractions are difficult even for trained observers to recall correctly.
    - If a jury or administrative review body sees that the report says one thing and the video indicates another, this can create inconsistencies in the evidence that might damage a case or unfairly undermine the officer's credibility.

21. **Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.**

    Common situations in which supervisors may need to review footage include the following:

    - To investigate a complaint against an officer or a specific incident in which the officer was involved
    - To identify videos for training purposes and for instructional use

PERF also recommends that supervisors be permitted to review footage to ensure compliance with recording policies and protocols, specifically for the following situations:

- When officers are still in a probationary period or are with a field training officer
- When officers have had a pattern of allegations of verbal or physical abuse
- When officers, as a condition of being put back on the street, agree to a more intensive review
- When officers are identified through an early intervention system

22. An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.

Rationale: PERF recommends that an agency's internal audit unit (e.g., the Staff Inspection Unit) conduct these random footage reviews to avoid undermining the trust between an officer and his or her supervisor.

The internal audit unit's random monitoring program should be governed by a clearly-defined policy, which should be made available to officers.

23. Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.

Rationale: Agencies must take every possible precaution to ensure body-worn camera footage is not used, accessed, or released for any unauthorized purpose. This prohibition should be explicitly stated in the written policy.

Written policies should also describe the sanctions for violating this prohibition.

24. Policies should include specific measures for preventing unauthorized access or release of recorded data.

Some systems have built-in audit trails. All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations.

25. Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).

Policies should state who is allowed to authorize the release of data and the process for responding to public requests for data. PERF generally recommends a broad disclosure policy to promote agency transparency and accountability.

However, there are some videos—such as recordings of victims and witnesses and videos taken inside private homes—that raise privacy concerns if they are publicly released. These privacy considerations must be taken into account when deciding when to release video to the public. The policy should also identify any exemptions to public disclosure that are outlined in the state Freedom of Information laws.

In certain cases, an agency may want to proactively release body-worn camera footage. For example, some agencies have released footage to share what the officer's video camera showed regarding controversial incidents. In some cases, the video may support a contention that an officer was in compliance with the law. In other cases, the video may show that the department is taking appropriate action against an officer. Policies should specify the circumstances in which this type of public release is allowed. When determining whether to proactively release data to the public, agencies should consider whether the footage will be used in a criminal court case, and the potential effects that releasing the data might have on the case.

Lessons learned:

- While agencies that have implemented body-worn cameras report that responding to public disclosure requests can be administratively complicated, departments must implement systems that ensure responses to these requests are timely, efficient, and fully transparent. This process should include reviewing footage to locate the requested video, determining which portions are subject to public release under state disclosure laws, and redacting any portions that state law prohibits from disclosure (e.g., images of juveniles' faces).
- The most important element of an agency's policy is to communicate it clearly and consistently within the community.

Training policies

26. **Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.**

    This should include supervisors whose officers wear cameras, records/evidence management personnel, training personnel, Internal Affairs, etc.

    Agencies may also wish to offer training as a courtesy to prosecutors to help them better understand how to access the data (if authorized), what the limitations of the technology are, and how the data may be used in court.

27. **Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.**

28. **Body-worn camera training should include the following:**

    - All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training)
    - An overview of relevant state laws governing consent, evidence, privacy, and public disclosure
    - Procedures for operating the equipment safely and effectively
    - Scenario-based exercises that replicate situations that officers might encounter in the field

- Procedures for downloading and tagging recorded data
- Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data)
- Procedures for preparing and presenting digital evidence for court
- Procedures for documenting and reporting any malfunctioning device or supporting system

29. **A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.**

    The training manual should be posted on the agency's intranet.

30. **Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.**

    Agencies should also require ongoing monitoring of body-worn camera technology for updates on equipment, data storage options, court proceedings, liability issues, etc.

Policy and program evaluation

31. **Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.**

    Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report.

    Rationale: Collecting and releasing statistical information about body-worn camera footage helps to promote transparency and trust within the community. It also allows agencies to evaluate the effectiveness of their body-worn camera programs and to identify areas for improvement.

32. **Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.**

    These studies should analyze the following:

    - The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests
    - The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers
    - Potential funding sources for a body-worn camera program

33. Agencies should conduct periodic reviews of their body-worn camera policies and protocols.

Evaluations should be based on a set standard of criteria, such as the following:

- Recording policies
- Data storage, retention, and disclosure policies
- Training programs
- Community feedback
- Officer feedback
- Internal audit review discoveries
- Any other policies that govern body-worn camera usage

An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be performed on a regular basis as determined by the agency.

Rationale: Body-worn camera technology is new and evolving. In addition, the policy issues associated with body-worn cameras are just recently being fully considered and understood. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments.

Conclusion

The recent emergence of body-worn cameras has already impacted policing, and this impact will increase as more agencies adopt this technology. Police agencies that are considering implementing body-worn cameras should not enter into this decision lightly. Once an agency travels down the road of deploying body-worn cameras, it will be difficult to reverse course because the public will come to expect the availability of video records.

When implemented correctly, body-worn cameras can help strengthen the policing profession. These cameras can help promote agency accountability and transparency, and they can be useful tools for increasing officer professionalism, improving officer training, preserving evidence, and documenting encounters with the public. However, they also raise issues as a practical matter and at the policy level, both of which agencies must thoughtfully examine. Police agencies must determine what adopting body-worn cameras will mean in terms of police-community relationships, privacy, trust and legitimacy, and internal procedural justice for officers.

Police agencies should adopt an incremental approach to implementing a body-worn camera program. This means testing the cameras in pilot programs and engaging officers and the community during implementation. It also means carefully crafting body-worn camera policies that balance accountability, transparency, and privacy rights, as well as preserving the important relationships that exist between officers and members of the community.

PERF's recommendations provide guidance that is grounded in current research and in the lessons learned from police agencies that have adopted body-worn cameras. However, because the technology is so new, a large body of research does not yet exist regarding the effects body-worn cameras have on policing. Additional research and field experience are needed before the full impact of body-worn cameras can be understood, and PERF's recommendations may evolve as further evidence is gathered.

Like other new forms of technology, body-worn cameras have the potential to transform the field of policing. To make sure this change is positive, police agencies must think critically about the issues that cameras raise and must give careful consideration when developing body-worn camera policies and practices. First and foremost, agencies must always remember that the ultimate purpose of these cameras should be to help officers protect and serve the people in their communities.

Appendix A. Recommendations Matrix

The tables below include the 33 policy recommendations and other lessons learned that are found throughout this publication. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this report. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

Policy recommendations

General recommendations

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
1	Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.	The decision about which officers should wear body-worn cameras will depend on an agency's resources, law enforcement needs, and other factors. Implementation tip: • Some agencies find it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers).	Assignment of cameras: p. 38 Incremental implementation: p. 27
2	If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.	Officers who are not otherwise assigned body-worn cameras may become required to wear one in certain circumstances, such as the following: • After receiving a specified number of complaints or disciplinary actions • When participating in a certain type of activity, such as SWAT operations	Use of body-worn cameras to improve officer performance: p. 7–9 Assignment of cameras: p. 38
3	Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.	The agency would not own recordings made from personal devices; thus, there would be little or no protection against data tampering or releasing the videos to the public or online. There would also be chain-of-custody issues with admitting personal recordings as evidence in court.	Personal cameras: p. 38 Data protection: pp. 15–16; 17–19; 42–47
4	Policies should specify the location on the body on which cameras should be worn.	Implementation tips: • Factors to consider when determining camera placement include field of vision, comfort, functionality, ease of use, and the type of camera system used. • Agencies should field test various camera locations.	Camera placement: p. 39

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
5	Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.	This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence.	Documentation of camera usage: p. 39
6	Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See Recommendations 7-13 for Recording Protocols.)	There may be times when an officer fails to record an event or activity that is otherwise required by agency policy to be recorded. This may arise under the following circumstances: • When conditions make it unsafe or impossible to activate the camera • When an officer exercises discretion, per agency policy, to not record because doing so would be detrimental to other agency priorities (e.g., protecting privacy rights, preserving community relations, or facilitating intelligence gathering) • When the camera malfunctions or otherwise fails to capture the event/activity In these situations, officers should document in writing and/or on camera their reasons for not recording. This holds officers accountable, allows supervisors to investigate recording irregularities, and documents the absence of video footage for investigations and court proceedings. Implementation tips: • The failure to record should be noted in the officer's written report. • If the officer deactivates the camera in the middle of recording, the officer should state on camera the reasons why.	Documenting the failure to record: pp. 13; 14; 18–19; 23; 28; 30; 39 Recording discretion: pp. 12–14; 18–19; 22–23; 40

Recording protocols

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
7	General recording policy: Officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.	Rather than requiring officers to record all encounters with the public, most agencies that PERF consulted require officers to record during calls for service and during all law enforcement-related encounters and activities. PERF agrees with this approach. This means that officers have discretion whether to record informal, non-law enforcement-related interactions with the public. The reasons for adopting this approach include the following: • Protecting relationships between the police and the community • Promoting community policing efforts • Securing officer support for the body-worn camera program by signaling that they are trusted to know when to record • Keeping data storage manageable	Recording discretion: pp. 12–14; 18–19; 22–23; 40
7a	Policies and training materials should clearly define what is included in the description "law enforcement-related encounters and activities that occur while the officer is on duty."	Officers should have clear guidance about which specific types of activities, events, and encounters they are required to record. Implementation tip: • Some agencies have found it useful to provide a list of specific examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits. Policies should note that these types of lists are not exhaustive. • These recording policies should be reinforced in training.	Recording guidance: pp. 13; 18–24; 40
7b	Officers should also be required to activate the camera during the course of **any** encounter with the public that becomes adversarial after the initial contact.	If officers are given discretion to not record informal, non-law enforcement-related encounters with the public, they should nonetheless be instructed to activate their cameras if the encounter becomes adversarial. This provides documentation of the encounter in the event that a complaint later arises. It also may help to defuse tense situations and prevent further escalation. Implementation tip: • Officers may be called upon to activate their cameras quickly and in high-stress situations. Therefore, training programs should strive to ensure that camera activation becomes second-nature to officers. Situational training is particularly useful to achieve this goal.	Recording adversarial encounters: pp. 23; 40 Preserving documentation for complaints: pp. 5–7 Situational training: pp. 28–29; 47

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
8	Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.	The mere knowledge that one is being recorded can help promote civility during police encounters with the public. Many police executives have found that officers can avoid adversarial situations if they inform people that they are being recorded. Implementation tips: • In states with two-party consent laws, officers are required to announce they are recording and to obtain the subject's consent. Agencies should consult their state laws to determine whether this requirement applies. • In one-party consent states, PERF's recommendation that officers inform a person that he or she is being recorded does *not* mean that officers must also obtain the person's consent to record. • An officer may exercise discretion to not announce that he or she is recording if doing so would be unsafe, impractical, or impossible.	Consent (in general): pp. 14; 40 Improving police-citizen encounters: pp. 6; 14 Informing when recording: pp. 6; 14; 18–19; 40
9	Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.	Implementation tip: • Prior to deactivating the camera, officers should announce that the incident has concluded and that the recording will now cease.	Camera deactivation: pp. 18–19; 41
10	Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.	There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events. Implementation tips: • Victims should give or deny consent in writing and/or on camera. • This policy should apply regardless of whether consent is required under state law.	Recording crime victims: pp. 13; 18–19; 40-41

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
11	Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.	One of the most important jobs of police officers is to gather information about crime that occurs in their communities. These intelligence-gathering efforts may be formal (e.g., through interviews with witnesses of a crime) or informal (e.g., through conversations with community members with whom the officer has a relationship). Some police executives report that body-worn cameras can inhibit intelligence-gathering efforts, as some witnesses and community members may be hesitant to report information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. Officers should have the discretion to keep their cameras turned off in these situations. Implementation tips: • If a person is not comfortable sharing information on camera, some agencies permit officers to position the camera so that they capture only audio, not video, recordings of the person making the statement. This affords greater privacy protections while still preserving evidentiary documentation. • It is useful for officers to keep their cameras running during the initial response to an ongoing/live crime scene to capture spontaneous statements and impressions made by people at the scene. Once the scene is controlled and has moved into the investigative stage, officers may make a case-by-case decision about whether to record later interviews with witnesses. • When encountering a reluctant witness, officers should attempt to develop a rapport by being honest and not pressuring the person to talk on camera. • If an officer turns the camera off prior to obtaining information, the officer should document on camera the reason for doing so.	Impact on intelligence-gathering efforts: pp. 19–21 Recording statements from witnesses or citizen informants: pp. 22–23; 41–42
11a	When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.	Recorded statements made by crime victims and members of the community can provide valuable evidence for investigations and prosecutions. Therefore, it is always preferable to capture these statements on camera when possible. Implementation tips: • Many agencies instruct officers to keep the camera activated when speaking with witnesses or informants unless the person actively requests otherwise. • Agencies should work with prosecutors to determine how best to weigh the importance of having a recorded statement versus the importance of gathering information when a witness refuses to speak on camera.	Recording statements from witnesses or citizen informants: pp. 22–23; 41–42
11b	Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.	Although discretion is important for protecting community policing efforts, this discretion must not be unlimited. Officers should always adhere to agency policies regarding discretion and should document when they exercise this discretion.	Recording statements from witnesses or citizen informants: pp. 22–23; 41–42

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
12	Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.	This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues. Situations that should not be recorded include the following: • Non-law enforcement-related conversations held between officers while on patrol (except while responding to a call for service) • Conversations between agency personnel held during breaks, at lunch, in the locker room, or during other non-law enforcement-related activities	Prohibited recordings: p. 42
13	Policies should clearly state any other types of recordings that are prohibited by the agency. Prohibited recordings should include the following: • Conversations with confidential informants and undercover officers to protect confidentiality and officer safety • Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms) • Strip searches • Conversations with other agency personnel that involve case tactics or strategy	When determining whether a recording should be prohibited, agencies should consider privacy concerns, the need for transparency and accountability, the safety of the officer and the citizen, and the evidentiary value of recording.	Prohibited recordings: pp. 37–38; 42 Privacy considerations (in general): pp. 11–20

Download and storage policies

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
14	Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.	In most cases, it is more efficient for an officer to download recorded data from his or her own body-worn camera. The officer will have the best access to the camera and knowledge of the footage for tagging/documentation purposes. However, if the officer is involved in a shooting or other incident that results in someone's bodily harm or death, it is prudent for the officer's supervisor to take immediate custody of the officer's camera for evidence preservation purposes.	Data protection: pp. 15–16; 18–19; 42–44
15	Policies should include specific measures to prevent data tampering, deleting, and copying.	Implementation tips: • Agencies should create an audit system that monitors who accesses recorded data, when, and for what purpose. Some camera systems come with a built-in audit trail. • Agencies can conduct forensic reviews to determine whether recorded data has been tampered with.	Data protection: pp. 15–16; 18–19; 42–45
16	Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.	The majority of agencies that PERF consulted require officers to download recorded data by the conclusion of his or her shift. The reasons for this include the following: • Many camera systems recharge and clear old data during the downloading process. • Events will be fresh in the officer's memory for the purpose of tagging and categorizing. • Evidence will be entered into the system in a timely manner.	Data protection: pp. 15–16; 18–19; 42–45
17	Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.	Properly categorizing and labeling/tagging recorded video is important for the following reasons: • The type of event/incident on the video will typically dictate data retention times. • It enables supervisors, investigators, and prosecutors to more easily identify and access the data they need. Implementation tips: • Some camera systems can be linked to an agency's records management system to allow for automated tagging and documentation. • Some camera systems can be linked to electronic tablets that officers can use to review and tag recorded data while in the field. This saves the officer time spent tagging data at the end of his or her shift.	Data tagging: pp. 16–17; 18–19; 33–34; 43

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
18	Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.	Most state laws provide specific retention times for videos that contain evidentiary footage that may be used for investigations and court proceedings. These retention times will depend on the type of incident captured in the footage. Agencies typically have more discretion when setting retention times for videos that do not contain evidentiary footage. When setting retention times, agencies should consider the following: • State laws governing evidence retention • Departmental policies governing retention of other types of electronic records • The openness of the state's public disclosure laws • The need to preserve footage to promote transparency • The length of time typically needed to receive and investigate citizen complaints • The agency's capacity for data storage Implementation tips: • Agencies should make retention times public by posting them on their websites. • When setting retention times, agencies should consult with legal counsel to ensure compliance with relevant evidentiary laws. Agencies should obtain written approval for retention schedules from prosecutors and legal counsel.	Data retention: pp. 16–19; 33–34; 43–45

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
19	Policies should clearly state where body-worn camera videos are to be stored.	Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Factors that agencies should consider when determining where to store data include the following: • Security concerns • Reliable methods for backing up data • Chain-of-custody issues • Capacity for data storage Implementation tips: • Agencies should consult with prosecutors and legal advisors to ensure data storage methods meet all legal requirements and chain-of-custody needs. • For videos requiring long-term storage, some agencies burn the data to a disc, attach it to the case file, and delete it from the internal server or online database. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times. • The agencies that PERF consulted report having no issues to date with using a third-party vendor to manage recorded data. To protect the security and integrity of data managed by a third party, agencies should use a reputable, experienced vendor; enter into a legal contract with the vendor that protects the agency's data; ensure the system includes a built-in audit trail and reliable backup methods; and consult with legal advisors.	Data storage: pp. 15–16; 18–19; 32–34; 43–44

Recorded data access and review

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
20	Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.	Most agencies that PERF consulted permit officers to review video footage of an incident in which they were involved, such as a shooting, prior to making a statement that might be used in an administrative review or court proceeding. The reasons for this policy include the following: • Reviewing footage will help lead to the truth of the incident by helping officers to remember an incident more clearly. • Real-time recording is considered best evidence and provides a more accurate record than the officer's recollection. • Research into eyewitness testimony has demonstrated that stressful situations with many distractions are difficult for even trained observers to recall correctly. • Officers will have to explain and account for their actions, regardless of what the video shows.	Officer review of footage: pp. 29–30; 45–47
21	Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.	PERF recommends that supervisors be authorized to review footage in the following circumstances: • When a supervisor needs to investigate a complaint against an officer or a specific incident in which the officer was involved • When a supervisor needs to identify videos for training purposes and for instructional use • When officers are still in a probationary period or are with a field training officer • When officers have had a pattern of allegations of abuse or misconduct • When officers have agreed to a more intensive review as a condition of being put back on the street • When an officer has been identified through an early intervention system	Supervisor review of footage: pp. 24–26; 27–28; 45–47

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
22	An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.	Randomly monitoring an officer's camera footage can help proactively identify problems, determine noncompliance, and demonstrate accountability. However, unless prompted by one of the situations described in recommendation 21, PERF does not generally recommend that supervisors randomly monitor footage recorded by officers in their chain of command for the purpose of spot-checking the officers' performance. Instead, an agency's internal audit unit should be responsible for conducting random monitoring. This allows agencies to monitor compliance with the program and assess performance without undermining the trust between an officer and his or her supervisor. Implementation tips: • Internal audit reviews should be truly random and not target a specific officer or officers. • Audits should be conducted in accordance with a written standard of review that is communicated to officers.	Internal audit unit review of footage: pp. 24–26; 28; 45–47
23	Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.	Agencies must take every possible precaution to ensure that camera footage is not used, accessed, or released for any unauthorized purposes. Implementation tips: • Written policies should describe the sanctions for violating this prohibition.	Data protection: pp. 15–16; 18–19; 45–46
24	Policies should include specific measures for preventing unauthorized access or release of recorded data.	All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations. (See also recommendations 15 and 23.)	Data protection: pp. 15–16; 18–19; 45–46

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
25	Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).	PERF generally recommends a broad public disclosure policy for body-worn camera videos. By implementing a body-worn camera program, agencies are demonstrating that they are committed to transparency and accountability, and their disclosure policies should reflect this commitment. However, there are some situations when an agency may determine that publicly releasing body-worn camera footage is not appropriate. These include the following: • Videos that contain evidentiary footage being used in an ongoing investigation or court proceeding are typically exempted from disclosure by state public disclosure laws. • When the videos raise privacy concerns, such as recordings of crime victims or witnesses or footage taken inside a private home, agencies must balance privacy concerns against the need for transparency while complying with relevant state public disclosure laws. Implementation tips: • Policies should state who is allowed to authorize the release of videos. • When determining whether to proactively release videos to the public (rather than in response to a public disclosure request), agencies should consider whether the footage will be used in a criminal court case and the potential effects that releasing the data may have on the case. • Policies should clearly state the process for responding to public disclosure requests, including the review and redaction process. • Agencies should always communicate their public disclosure policies to the public.	Public disclosure: pp. 17–19; 33–34; 46–47

Training policies

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
26	Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.	Personnel who receive training should include the following: • Officers who will be assigned or permitted to wear cameras • Supervisors whose officers wear cameras • Records/evidence management personnel • Training personnel • Internal Affairs • Anyone else who will be involved with the body-worn camera program Implementation tip: • As a courtesy, agencies may wish to offer training to prosecutors so they can better understand how to access the data, what the limitations of the technology are, and how the data may be used in court.	Training: pp. 47–49
27	Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.	This ensures officers are prepared to operate the cameras safely and properly prior to wearing them in the field.	Training: pp. 25; 28–29; 47–49
28	Body-worn camera training should include the following: • All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training) • An overview of relevant state laws governing consent, evidence, privacy, and public disclosure • Procedures for operating the equipment safely and effectively • Scenario-based exercises that replicate situations that officers might encounter in the field • Procedures for downloading and tagging recorded data • Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data) • Procedures for preparing and presenting digital evidence for court • Procedures for documenting and reporting any malfunctioning device or supporting system	Implementation tips: • Agencies can use existing body-worn camera footage to train officers on the proper camera practices and protocols. • Scenario-based training can be useful to help officers become accustomed to wearing and activating their cameras. Some agencies require officers to participate in situational exercise using training model cameras.	Training: pp. 7; 26–30; 47–49
29	A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.	Implementation tip: • The training manual should be posted on the agency's intranet.	Training: pp. 47–49
30	Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.	Body-worn camera technology is constantly evolving. In addition to yearly refresher courses, training should occur anytime an agency's body-worn camera policy changes. Agencies should also keep abreast of new technology, data storage options, court proceedings, and other issues surrounding body-worn cameras.	Training: pp. 47–49

Policy and program evaluation

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
31	Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.	Collecting and releasing data about body-worn cameras helps promote transparency and trust within the community. It also helps agencies to evaluate the effectiveness of their programs, to determine whether their goals are being met, and to identify areas for improvement. Agencies can also use the findings when presenting information about their body-worn camera programs to officers, oversight boards, policymakers, and the community. Implementation tip: • Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report.	Engaging the public: pp. 21–22; 24; 28–29; 47–48
32	Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.	A cost-benefit analysis can help an agency to determine the feasibility of implementing a body-worn camera program. The analysis should examine the following: • The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests • The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers • Potential funding sources for a body-worn camera program	Financial considerations: pp. 30–34; 48–49 Cost-benefit analysis: p.31 Reducing complaints and lawsuits: pp. 6–9
33	Agencies should conduct periodic reviews of their body-worn camera policies and protocols.	Body-worn camera technology is new and evolving, and the policy issues associated with body-worn cameras are just recently being fully considered. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments. Implementation tips: • Evaluations should be based on a set of standard criteria and outcome measures. • An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be conducted on a regular basis as determined by the agency.	Program evaluation: p. 48–49

Additional lessons learned: engaging officers, policymakers, and the community

According to the police officials whom PERF consulted, it is critical for agencies to engage the community, policymakers, courts, oversight boards, unions, frontline officers, and other stakeholders about the department's body-worn camera program. Open communication—both prior to and after camera deployment—can strengthen the perceived legitimacy of the camera program, demonstrate agency transparency, and help educate stakeholders about the realities of using body-worn cameras. The following table presents lessons that agencies shared with PERF with respect to engaging stakeholders.

No.	Lesson Learned	Page Reference(s)
1	Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program within the community.	pp. 21–22; 24
2	Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.	pp. 21–22; 24
3	Social media is an effective way to facilitate public engagement about body-worn cameras.	pp. 21–22; 24
4	Transparency about the agency's camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the agency's website and publicly releasing video recordings of controversial incidents.	pp. 21–22; 24
5	When presenting officers with any new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.	pp. 26–27
6	Briefings, roll calls, and meetings with union representatives are effective means to communicate with officers about the agency's body-worn camera program.	pp. 26–27
7	Creating an implementation team that includes representatives from across the agency can help strengthen program legitimacy and ease implementation.	pp. 26–27
8	Agencies have found that officers support a body-worn camera program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.	pp. 26–27
9	Recruiting an internal "champion" to help inform officers about the benefits of the cameras has proven successful in addressing officers' concerns about embracing the new technology.	pp. 26–27
10	Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech savvy officers.	pp. 26–27
11	Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations to judges, attorneys, and civilian review boards about how the cameras operate.	pp. 28–30

Appendix B. Conference attendees

PERF and the COPS Office convened this one-day conference on September 11, 2013, in Washington, D.C., to discuss the policy and operational issues surrounding body-worn cameras. The titles listed below reflect attendees' positions at the time of the conference.

Albuquerque (NM) Police Department

William Roseman
Deputy Chief of Police

Alexandria (VA) Police Department

David Huchler
Deputy Chief of Police

Eddie Reyes
Deputy Chief of Police

Anne Arundel County (MD) Police Department

Herbert Hasenpusch
Captain

Thomas Kohlmann
Lieutenant

Appleton (WI) Police Department

Gary Lewis
Lieutenant

Arlington County (VA) Police Department

Jason Bryk
Lieutenant

Michael Dunne
Deputy Chief of Police

Lauretta Hill
Assistant Chief of Police

Arnold & Porter LLP

Meredith Esser
Associate

Peter Zimroth
Partner

Atlanta (GA) Police Department

Todd Coyt
Lieutenant

Joseph Spillane
Major

Aurora (CO) Police Department

Dan Mark
Lieutenant

Baltimore County (MD) Police Department

Karen Johnson
Major

James Johnson
Chief of Police

Baltimore (MD) Fraternal Order of Police

Bob Cherry
President

Baltimore (MD) Police Department

Jeronimo Rodriguez
Deputy Police Commissioner

Bay Area Rapid Transit Police Department

Kenton Rainey
Chief of Police

Boyd (VA) Police Department

Michael Brave
Training Officer

Bureau of Justice Assistance
U.S. Department of Justice

David Adams
Senior Policy Advisor

Steve Edwards
Senior Policy Advisor

Kristen Mahoney
Deputy Director of Policy

Denise O'Donnell
Director

Brian Reaves
Senior Statistician

Cornelia Sigworth
Senior Advisor

Christopher Traver
Senior Policy Advisor

Calgary (AB) Police Service

Trevor Daroux
Deputy Chief of Police

Evel Kiez
Sergeant

Asif Rashid
Staff Sergeant

Camden County (NJ) Police Department

Orlando Cuevas
Deputy Chief of Police

Charlotte-Mecklenburg (NC) Police Department

Michael Adams
Major

Stephen Willis
Major

Cincinnati (OH) Police Department

Thomas Streicher
Chief of Police (Retired)

City of Akron (OH) Police Department

James Nice
Chief of Police

Civil Rights Division
U.S. Department of Justice

Roy L. Austin, Jr.
Deputy Assistant Attorney General

Christy Lopez
Deputy Chief

Zazy Lopez
Attorney

Jeffrey Murray
Attorney

Tim Mygatt
Special Counsel

Rashida Ogletree
Attorney

CNA Corporation

James Stewart
Director of Public Safety

Columbus (OH) Division of Police

Gary Cameron
Commander, Narcotics Bureau

Commission on Accreditation for Law Enforcement Agencies, Inc.

Craig Hartley
Deputy Director

CP2, Inc.

Carl Peed
President

Dallas (TX) Police Department

Andrew Acord
Deputy Chief of Police

Dalton (GA) Police Department

Jason Parker
Chief of Police

Daytona Beach (FL) Police Department

Michael Chitwood
Chief of Police

Denver (CO) Police Department

Magen Dodge
Commander

Des Moines (IA) Police Department

Judy Bradshaw
Chief of Police

Todd Dykstra
Captain

Stephen Waymire
Major

Detroit (MI) Police Department

James Craig
Chief of Police

Digital Ally, Inc.

Matthew Andrews
Engineer

Stan Ross
CEO

Eugene (OR) Police Department

James Durr
Captain

Fairfax County (VA) Police Department

Bob Blakley
Lieutenant

Fayetteville (NC) Police Department

Wayne Burgess
Lieutenant

Bradley Chandler
Assistant Chief of Police

Timothy Tew
Lieutenant

Federal Bureau of Investigation

Jacques Battiste
Supervisory Special Agent

Federal Emergency Management Agency

Roberto Hylton
Senior Law Enforcement Advisor

Edward Welch
Director

Fort Collins (CO) Police Department

Cory Christensen
Deputy Chief of Police

Garner (NC) Police Department

Chris Hagwood
Lieutenant

Glenview (IL) Police Department

William Fitzpatrick
Chief of Police

Grand Junction (CO) Police Department

John Camper
Chief of Police

Greater Manchester (UK) Police

Paul Rumney
Detective Chief Superintendent

Greensboro (NC) Police Department

Kenneth Miller
Chief of Police

George Richey
Captain

Wayne Scott
Deputy Chief of Police

Greenville (NC) Police Department

Hassan Aden
Chief of Police

Greenwood & Streicher LLC

Scott Greenwood
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Gulf States Regional Center for Public Safety Innovations

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Harrisonburg (VA) Police Department

John Hancock
Officer

Roger Knott
Lieutenant

Hayward (CA) Police Department

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Henrico County (VA) Division of Police

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Chief of Police

Herndon (VA) Police Department

Maggie DeBoard
Chief of Police

Steven Pihonak
Sergeant

Houston (TX) Police Department

Jessica Anderson
Sergeant

James Jones
Captain

Charles McClelland
Chief of Police

Indianapolis (IN) Department of Public Safety

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David Roberts
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Stephen Golecki
Sr. Police ID Officer

Samantha Pescatore
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John Scalcione
Officer

Daniel Sollitti
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Liesl Freedman
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Thomas Roberts
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Leesburg (VA) Police Department

Carl Maupin
Lieutenant

Lenexa (KS) Police Department

Dawn Layman
Major

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Division Chief

Kevin Goran
Division Chief

James Hellmold
Assistant Sheriff

Chris Marks
Lieutenant

Los Angeles Police Department

Greg Meyer
Captain (Retired)

Louisville (KY) Metro Police Department

Robert Schroeder
Major

Lynchburg (VA) Police Department

Mark Jamison
Captain

Ryan Zuidema
Captain

Madison (WI) Police Department

June Groehler
Lieutenant

Manning & Kass, Ellrod, Ramirez, Trester

Mildred Olinn
Partner

Eugene Ramirez
Senior Partner

Maryland State Police Department

Michael Brady
Sergeant

Clifford Hughes
Assistant Bureau Chief

Thomas Vondersmith
Director

Meriden (CT) Police Department

Jeffry Cossette
Chief of Police

Timothy Topulos
Deputy Chief of Police

Mesa (AZ) Police Department

Tony Filler
Commander

Metropolitan Nashville (TN) Police Department

Michael Anderson
Chief of Police

John Singleton
IT Security Manager

Metropolitan (DC) Police Department

Brian Bobick
Sergeant

Alfred Durham
Assistant Chief of Police

Barry Gersten
CIO

Lamar Greene
Assistant Chief of Police

Cathy Lanier
Chief of Police

Thomas Wilkins
Executive Director

Miami Beach (FL) Police Department

David De La Espriella
Captain

Milwaukee (WI) Police Department

Mary Hoerig
Inspector of Police

Minneapolis (MN) Police Department

Bruce Folkens
Commander

Janeé Harteau
Chief of Police

Montgomery County (MD) Police Department

Brian Acken
Director

Luther Reynolds
Assistant Chief of Police

Motorola Solutions, Inc.

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Kelly Kirwan
Corporate Vice President

Steve Sebestyen
Business Development Manager

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Larry Abel
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Ronal Serpas
Superintendent of Police

New South Wales (AUS) Police Force

Stephen Cullen
Chief Superintendent

New York City Police Department

Terrence Riley
Inspector

Newark (NJ) Police Department

Sheilah Coley
Chief of Police

Samuel DeMaio
Director

Michele MacPhee
Lieutenant

Brian O'Hara
Lieutenant

Norfolk (VA) Police Department

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Captain

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Anthony Washington
Inspector

Phoenix (AZ) Police Department

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Prince George's County (MD) Police Department

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Corporal

Mark Person
Major

Henry Stawinski III
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Hector Velez
Deputy Chief of Police

Prince William County (VA) Police Department

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Chief of Police (Retired)

Javid Elahi
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Thomas Pulaski
Senior Administrative Manager

Ramsey County (MN) Sheriff's Office

Robert Allen
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Rialto (CA) Police Department

William Farrar
Chief of Police

Richmond (CA) Police Department

Allwyn Brown
Deputy Chief of Police

Richmond (VA) Police Department

Scott Booth
Major

Sydney Collier
Major

Roger Russell
Captain

Riverside (CA) Police Department

Bruce Loftus
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Roanoke (VA) County Police Department

Mike Warner
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Robinson & Yu LLC

David Robinson
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Seattle (WA) Police Department

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Spokane (WA) Police Department

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Springfield (MO) Police Department

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Tampa (FL) Police Department

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Topeka (KS) Police Department

Ronald Miller
Chief of Police

Toronto (ON) Police Service

Mike Federico
Deputy Chief of Police

John Sandeman
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Peter Sloly
Deputy Chief of Police

Tucson (AZ) Police Department

Sharon Allen
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Orville King
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David Rose
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University of South Florida

Lorie Fridell
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U.S. Capitol Police Department

Kim Dine
Chief of Police

Daniel Malloy
Inspector

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Jody Platt
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VIEVU

Steven Lovell
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Virginia Beach Police Department

James Cervera
Chief of Police

Richard Cheatham
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Todd Jones
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Anthony Kalil
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Sarah Mooney
Captain

Yakima (WA) Police Department

Jeff Schneider
Captain

About PERF

The **Police Executive Research Forum** (PERF) is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force, developing community policing and problem-oriented policing, using technologies to deliver police services to the community, and evaluating crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership, public debate of police and criminal justice issues, and research and policy development.

In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies, educates hundreds of police officials each year in a three-week executive development program, and provides executive search services to governments that wish to conduct national searches for their next police chief.

All of PERF's work benefits from PERF's status as a membership organization of police officials, academics, federal government leaders, and others with an interest in policing and criminal justice.

All PERF members must have a four-year college degree and must subscribe to a set of founding principles, emphasizing the importance of research and public debate in policing, adherence to the Constitution and the highest standards of ethics and integrity, and accountability to the communities that police agencies serve.

PERF is governed by a member-elected president and board of directors and a board-appointed executive director. A staff of approximately 30 full-time professionals is based in Washington, D.C.

To learn more, visit PERF online at www.policeforum.org.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.

In recent years, many law enforcement agencies have been deploying small video cameras worn by officers to record encounters with the public; investigate officer-involved incidents; produce evidence; and strengthen agency performance, accountability, and transparency. While body-worn cameras have the potential to improve police services, they also raise issues involving privacy, police-community relationships, procedural justice, and technical and cost questions, all of which agencies should examine as they consider this technology.

The Police Executive Research Forum, with support from the Office of Community Oriented Policing Services, conducted research in 2013 on the use of body-worn cameras. This research included interviews with police executives, a review of agencies' policies, and a national conference at which 200 police executives and other experts discussed their experiences with body-worn cameras. This publication describes the findings of this research, explores the issues surrounding body-worn cameras, and offers policy recommendations for law enforcement agencies.

COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.

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Visit PERF online at www.policeforum.org.

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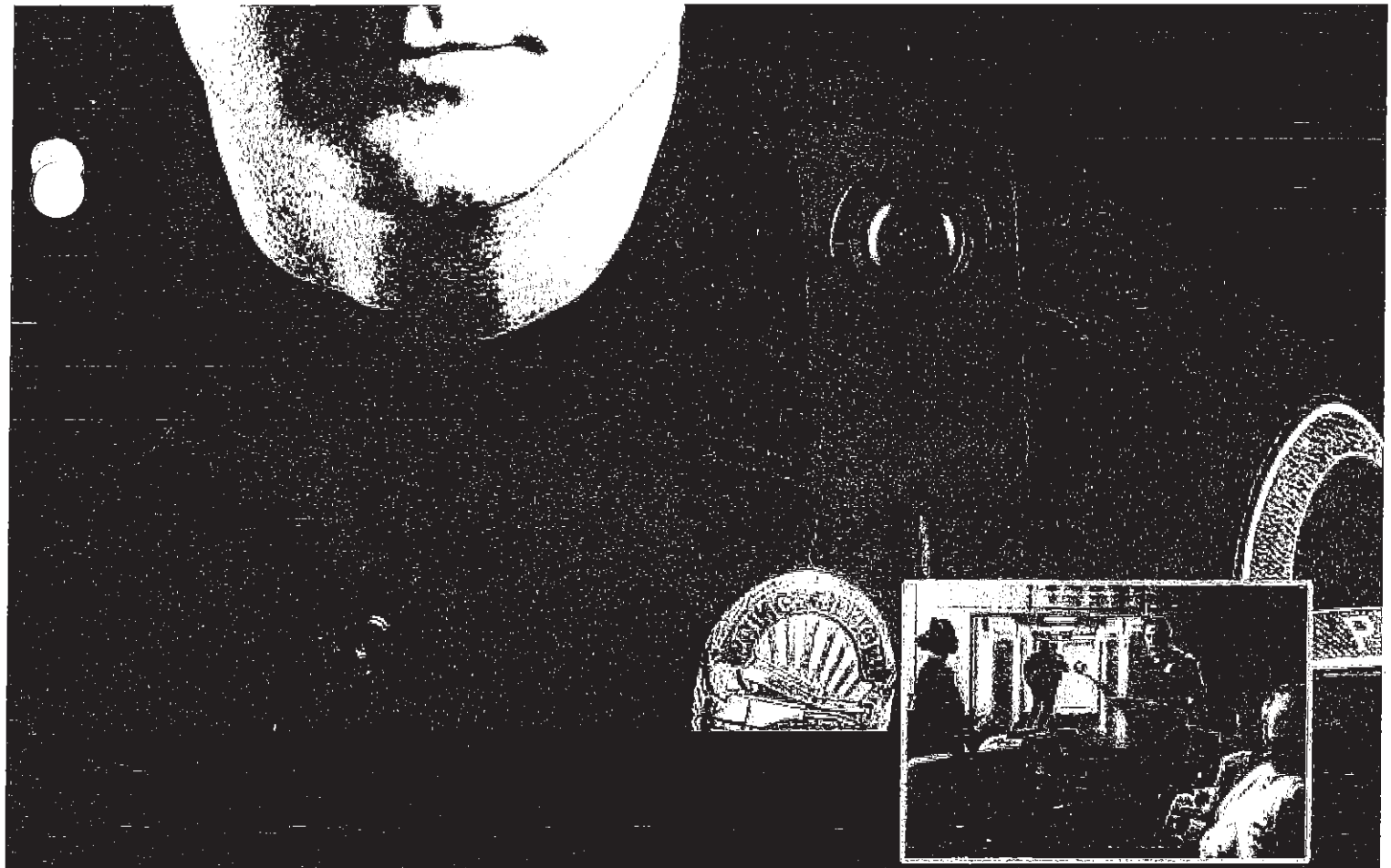
Body-Worn Cameras for Criminal Justice: Market Survey



BODY-WORN CAMERAS FOR CRIMINAL JUSTICE: MARKET SURVEY

Version 1.0

March 2014

NIJ NLECTC

Sensor, Surveillance, and Biometric Technologies Center of Excellence

U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

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Biometric Technologies (SSBT)
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BODY-WORN CAMERAS FOR CRIMINAL JUSTICE: MARKET SURVEY

Version 1.0

March 2014

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DISCLAIMERS
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All legal aspects regarding expectation of privacy issues, probable cause, warrants and any other operational law enforcement procedures should be researched by agencies and their officers in accordance with local, state and federal laws prior to the implementation of technology described herein.

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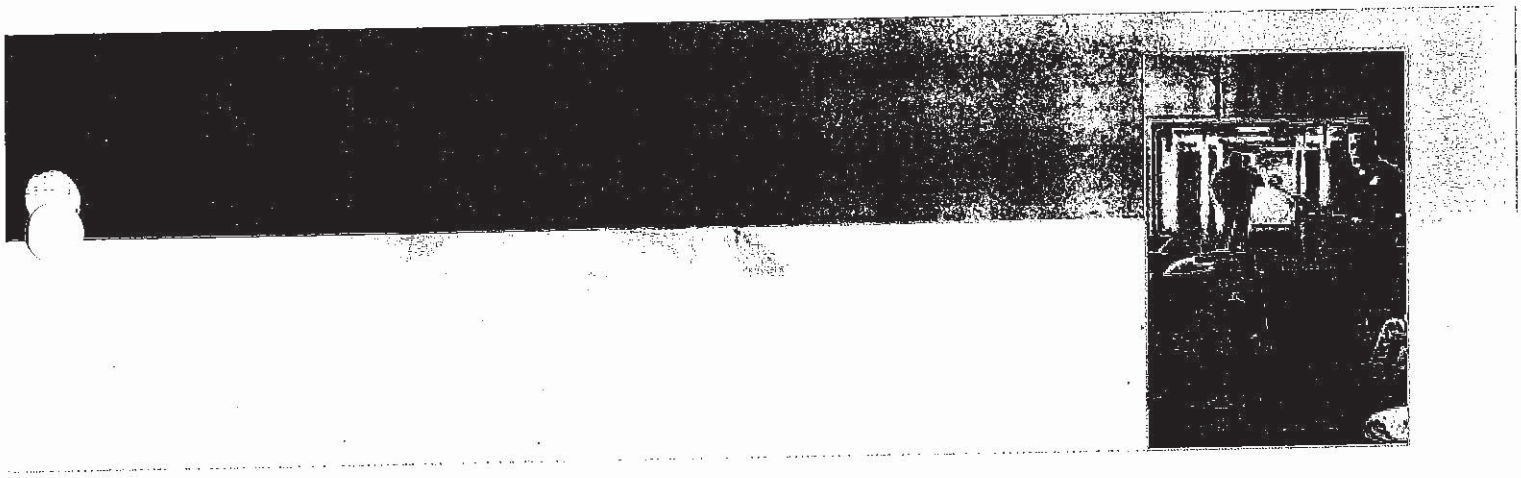


1.0 Introduction

The use of body-worn cameras (BWCs) by criminal justice practitioners (e.g., patrol, corrections, SWAT and other tactical responders) offers potential advantages in keeping officers safe, enabling situational awareness, improving community relations and accountability, and providing evidence for trial. These products are also sometimes called officer-worn or wearable cameras. In the last couple of years, there has been a dramatic increase in the criminal justice use, public and media attention and commercial offerings of BWCs.

This market survey report aggregates and summarizes information on commercial BWCs to aid criminal justice practitioners considering planning, acquisition and implementation of the technology in their agency. In 2011, a brief market survey reference was published by the National Institute of Justice (NIJ) Sensor, Surveillance and Biometric Technologies Center of Excellence (SSBT CoE), *Body Worn Camera Information Sheet* (http://goo.gl/rSWrcV).[1] The following year, a report was published that highlighted topics for agencies to consider while pursuing BWC implementation, *A Primer on Body-Worn Cameras for Law Enforcement* (https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf).[2] This report updates product information in those earlier offerings.

1.1 About the NIJ SSBT CoE

The NIJ SSBT CoE is a center within the National Law Enforcement and Corrections Technology Center (NLECTC) System.[3] The CoE provides scientific and technical support to NIJ's research and development (R&D) efforts. The Center also provides technology assistance, information, and support to criminal justice agencies. The CoE supports the NIJ sensor and surveillance portfolio and biometrics portfolio. The Centers of Excellence are the authoritative resource within the NLECTC System for both practitioners and developers in their technology area(s) of focus. The primary role of the CoEs is to assist in the transition of law enforcement technology from the laboratory into practice by first adopters.

1.2 BWC Information Sought

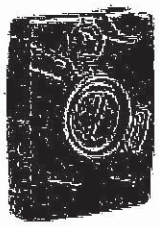
In December 2013, the SSBT CoE, through NIJ, published a notice within the *Federal Register* requesting information and comments from vendors in support of this market survey

(https://federalregister.gov/a/2013-30246).[4] The following categories of information were sought for the various BWC systems contained herein. As needed, additional comments for the categories are also included here.

1. **Model Number** and **Name** of the BWC.
2. Where the BWC is **Mounted** (e.g., Head, Chest, Glasses, Helmet, Various).
   a. Optional mounting locations require add-on accessories.
3. **Maximum Video Resolution** of the BWC (e.g., 640x480, 1080p).
4. **Recording Speed** of the BWC (e.g., 30 fps).
   a. Recording speeds often depend on the video resolution selected.
5. **Recording Format** of the BWC (e.g., MPEG-4, MOV).
6. Whether the BWC captures **Still Photos.**
7. Whether the BWC embeds a **Time/Date Stamp** in the recorded video.
8. The **Field of View** of the BWC (e.g., 75°, 120°).
9. The **Lux Rating** of the BWC.
   a. The minimum amount of light that produces an acceptable image. This rating is for normal camera operation and does not take into account any Night Mode.
10. Whether the BWC has a **Night Mode** and in what format (e.g., Low Light, IR Lens, etc.).
11. Whether the BWC has a **Playback Screen** for on-person video viewing.
12. The **Audio Format** of the BWC (e.g., MP2, AAC).
13. Whether the BWC contains **Video Safeguards** that limit access or editing by users.
14. Whether the BWC has a **Pre-Event Record** feature. (And, if so, the buffered time and whether the recording includes audio.)
15. Whether the BWC possesses an **Event Marking** capability.
    a. Event marking capabilities provided by offline video management software is considered a "No" response.
16. The **Battery Type** used by the BWC and whether it is internal or removable.
17. The **Recording Life** of the BWC battery.
18. The **Standby** duration of the BWC battery.

19. The **Charge Time** of the BWC battery (use N/A for disposable batteries only).
20. The onboard memory **Storage** capacity of the BWC.
21. The **Recording Time** of the BWC under default resolution settings.
    a. Recording time is dependent on the video resolution settings and BWC memory.
22. Whether the BWC possesses a **GPS**, and if so whether that information is embedded in recorded video.
23. The physical **Dimensions** (in inches) of the BWC (camera, control unit and/or battery).
24. The **Weight** of the BWC and all accessories worn by a user.
25. Whether the BWC has undergone **Environment Testing**, and if so, what standard did it pass.
26. Whether a **Warranty** comes standard with the BWC unit.
    a. A range of warranty durations indicates an optional extended warranty is available.
27. Whether **Video Software** is available for video management of the BWC recordings, and if so, whether it is required to use the BWC.
28. Whether there is a default **Police Radio Interface** for the BWC.
29. Whether the BWC is **Vehicle Mountable** for dashboard applications.
    a. Many BWCs that can be mounted in a vehicle require optional accessories; these are not included in the price.
30. The **Manufacturer Suggested Retail Price (MSRP)** for the BWC.
    a. Does not include optional features, accessories or services plans.
31. Whether the BWC has **Wireless** capabilities to communicate with a computer or external DVR unit.
32. Any **Other** information or notes that is relevant to the BWC.

2.0 Body-Worn Camera Profiles



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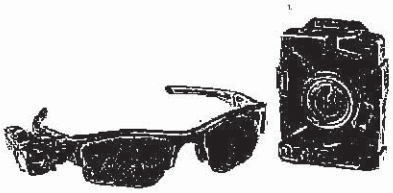
2.1 AXON Body

Manufacturer: **TASER International, Inc.**
http://www.taser.com/

#	Characteristic	Details [5, 6, 7, 8]
1	Name (Model#)	AXON Body (#73002)
2	Mounting	Chest, Belt
3	Video Resolution	640 x 480
4	Recording Speed	30 frames per second (fps)
5	Recording Format	MPEG-4 Part 2
6	Still Photos	No
7	Time/Date Stamp	Yes
8	Field of View	137°
9	Lux Rating	<1 lux
10	Night Mode	Yes – Retina low light
11	Playback Screen	Optional – Requires free app on linked smartphone
12	Audio Format	MP3
13	Video Safeguards	Yes – Users cannot delete a video on the camera; video is marked with security hash
14	Pre-Event Record	Yes – 30 seconds, no audio
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	12 hrs
18	Standby	12 hrs
19	Charge Time	4 hrs
20	Storage	8 GB
21	Recording Time	4 – 13 hrs
22	GPS	Optional – Requires free app on linked smartphone
23	Dimensions	0.8 " x 2.6" x 3.3"
24	Weight	3.5 oz.
25	Environment Testing	-4 – 122 °F, 6' drop test, IP55, MIL-STD-810 Method 506.4
26	Warranty	1 yr
27	Video Software	Optional, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	In development
30	MSRP	$299
31	Wireless	Yes – Video streaming to linked smartphone app
32	Other	Vendor hosted data management system available; Free online webinars and training materials

2.2 AXON Flex

Manufacturer: **TASER International, Inc.**
http://www.taser.com/



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#	Characteristic	Details [9, 10, 7, 8]
1	Name (Model#)	AXON Flex (#7300)
2	Mounting	Head, Shoulder, Glasses, Collar, Hat, Helmet
3	Video Resolution	640 x 480
4	Recording Speed	30 fps
5	Recording Format	MPEG-4 Part 2
6	Still Photos	No
7	Time/Date Stamp	Yes
8	Field of View	75°
9	Lux Rating	<1 lux
10	Night Mode	Yes – Retina low light
11	Playback Screen	Optional – Requires free app on linked smartphone
12	Audio Format	MP3
13	Video Safeguards	Yes – Users cannot delete a video on the camera; video is marked with security hash
14	Pre-Event Record	Yes – 30 seconds, no audio
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	12 hrs
18	Standby	12 hrs
19	Charge Time	4 hrs
20	Storage	8 GB
21	Recording Time	4 – 13 hrs
22	GPS	Optional – Requires free app on linked smartphone
23	Dimensions	3.2" x 0.80" x 0.71" (camera); 0.8" x 2.6" x 3.3" (controller)
24	Weight	0.53 oz (camera); 3.3 oz (controller)
25	Environment Testing	-4 – 122 °F, 6' drop test, IPX2, MIL-STD-810 Method 506.4
26	Warranty	1 yr
27	Video Software	Optional, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	In development
30	MSRP	$499
31	Wireless	Yes – Video streaming to linked smartphone app
32	Other	Vendor hosted data management system available; Free online webinars and training materials

2.3 BODYCAM

Manufacturer: **PRO-VISION Video Systems**
http://www.bodycameras.com/

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#	Characteristic	Details [11, 12]
1	Name (Model#)	BODYCAM (#BC-100)
2	Mounting	Chest, Shoulder
3	Video Resolution	1920 x 1080p
4	Recording Speed	30 fps, 60 fps
5	Recording Format	MOV
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	170°
9	Lux Rating	0.3 Lux
10	Night Mode	Yes – Night vision with IR illumination
11	Playback Screen	Yes
12	Audio Format	WAV
13	Video Safeguards	Yes
14	Pre-Event Record	No
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	4 hrs
18	Standby	120 hrs
19	Charge Time	3 hrs
20	Storage	8 – 32 GB
21	Recording Time	3 – 18 hrs
22	GPS	No
23	Dimensions	2.5" x 2.0" x 1.0"
24	Weight	3.6 oz
25	Environment Testing	IPX5
26	Warranty	1 yr
27	Video Software	Yes, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$150
31	Wireless	No
32	Other	Wireless remote control

2.4 DutyCAM Observer 1

Manufacturer: **Primal USA, LLC**
http://www.primalusa.com/

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#	Characteristic	Details [13, 14, 15, 16]
1	Name (Model#)	DutyCAM Observer 1
2	Mounting	Chest, Belt (Optional: Shoulder, Glasses, Head, Helmet)
3	Video Resolution	1920 x 1080p
4	Recording Speed	30 fps, 60 fps
5	Recording Format	H.264
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	120°
9	Lux Rating	0.1 lux
10	Night Mode	Yes – Night vision with IR illumination
11	Playback Screen	Yes
12	Audio Format	AAC, MP3
13	Video Safeguards	Yes
14	Pre-Event Record	Yes – 3 to 15 seconds
15	Event Marking	Optional
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	8 hrs
18	Standby	24 hrs
19	Charge Time	2 hrs
20	Storage	16 – 32 GB
21	Recording Time	18 hrs
22	GPS	Yes
23	Dimensions	3.77" x 2.48" x 0.82"
24	Weight	10 oz
25	Environment Testing	IP56
26	Warranty	1 – 3 yrs
27	Video Software	Optional, Not Required
28	Police Radio Interface	Optional
29	Vehicle Mountable	No
30	MSRP	$399 (16 GB), $599 (32 GB)
31	Wireless	No
32	Other	Video Metadata includes Agency Name, Unique Unit and Officer IDs; Optional wireless remote; Optional head or external cameras

2.5 DutyVUE Trooper 32/64

Manufacturer: **Primal USA, LLC**
http://www.primalusa.com/

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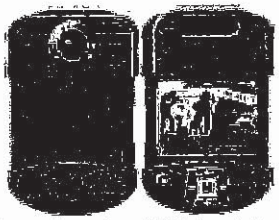
#	Characteristic	Details [17, 18, 19, 14]
1	Name (Model#)	DutyVUE Trooper 32/64
2	Mounting	Chest, Belt (Optional: Shoulder, Glasses, Head, Helmet)
3	Video Resolution	1920 x 1080p
4	Recording Speed	30 fps, 60 fps
5	Recording Format	H.264
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	120°
9	Lux Rating	0.1 lux
10	Night Mode	Yes – Night vision with IR illumination
11	Playback Screen	Yes
12	Audio Format	AAC, MP3
13	Video Safeguards	Yes
14	Pre-Event Record	Optional
15	Event Marking	Optional
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	8 hrs
18	Standby	24 hrs
19	Charge Time	2 hrs
20	Storage	32 – 64 GB
21	Recording Time	18 hrs
22	GPS	Yes
23	Dimensions	2.25" x 2.88" x 0.75"
24	Weight	7 oz
25	Environment Testing	IP56
26	Warranty	1 yr
27	Video Software	Optional, Not Required
28	Police Radio Interface	Optional
29	Vehicle Mountable	No
30	MSRP	$499 (32 GB), $699 (64GB)
31	Wireless	Optional
32	Other	Video Metadata includes Agency Name, Unique Unit and Officer IDs; Optional wireless remote; Optional head or external cameras

2.6 FirstVu

Manufacturer: **Digital Ally, Inc.**
http://www.digitalallyinc.com/



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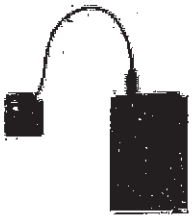
#	Characteristic	Details [20, 21]
1	Name (Model#)	FirstVu
2	Mounting	Chest, Belt
3	Video Resolution	640 x 480
4	Recording Speed	30 fps
5	Recording Format	H.264 AVI
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	133°
9	Lux Rating	1.2 lux
10	Night Mode	Yes – Night vision with IR illumination
11	Playback Screen	Yes
12	Audio Format	MP3
13	Video Safeguards	Yes
14	Pre-Event Record	Yes – Up to 30 seconds
15	Event Marking	Yes
16	Battery Type	Li-Ion (Rechargeable, Removable)
17	Recording Life	4 hrs
18	Standby	12 hrs
19	Charge Time	2.5 hrs
20	Storage	16 – 32 GB
21	Recording Time	16 – 32 hrs
22	GPS	No
23	Dimensions	2.7" x 4.3" x 1"
24	Weight	6.4 oz
25	Environment Testing	IP55
26	Warranty	1 yr
27	Video Software	Optional, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$795
31	Wireless	No
32	Other	Covert mode; Customizable user/event metadata

2.7 FirstVu HD

Manufacturer: **Digital Ally, Inc.**
http://www.digitalallyinc.com/



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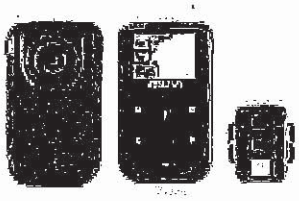
#	Characteristic	Details [22, 23]
1	Name (Model#)	FirstVu HD
2	Mounting	Chest, Belt, Shoulder, Head, Helmet
3	Video Resolution	1280 x 720p
4	Recording Speed	Various
5	Recording Format	H.264 AVI
6	Still Photos	No
7	Time/Date Stamp	Yes
8	Field of View	130°
9	Lux Rating	0.08 lux
10	Night Mode	Yes – Low Light, Automatic
11	Playback Screen	No
12	Audio Format	MP3
13	Video Safeguards	Yes
14	Pre-Event Record	Yes – Up to 60 seconds, audio optional
15	Event Marking	Yes
16	Battery Type	Li-Ion (Rechargeable, Removable)
17	Recording Life	4.5 hrs
18	Standby	60 hrs
19	Charge Time	4 hrs
20	Storage	32 GB
21	Recording Time	2.5 – 54 hrs
22	GPS	No
23	Dimensions	1.13" x 1.5" x 1.0" (camera); 2.5" x 4" x 0.63" (recorder)
24	Weight	3.9 oz
25	Environment Testing	In Progress
26	Warranty	1 yr
27	Video Software	Optional, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$995
31	Wireless	Optional – Wireless automatic recording triggers with linked in-car video system
32	Other	Covert Mode

2.8 Muvi HD Pro



Manufacturer: **Veho**
http://www.veho-world.com

Distributor: **MPH Industries**
http://www.mphindustries.com/

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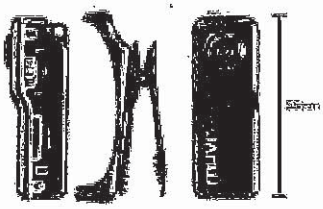
#	Characteristic	Details [24, 25]
1	Name (Model#)	Muvi HD Pro (#VCC-005-MUVI-HDPRO)
2	Mounting	Chest, Belt, Helmet
3	Video Resolution	1920 x 1080p
4	Recording Speed	30 fps, 60 fps
5	Recording Format	H.264 MOV
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	170°
9	Lux Rating	1 lux
10	Night Mode	No
11	Playback Screen	Yes
12	Audio Format	AAC MP4a
13	Video Safeguards	No
14	Pre-Event Record	No
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	3 hrs
18	Standby	250 hrs
19	Charge Time	3 hrs
20	Storage	8 – 32 GB
21	Recording Time	1.2 – 4.7 hrs
22	GPS	No
23	Dimensions	3.15" x 1.85" x 0.75"
24	Weight	2.86 oz
25	Environment Testing	No
26	Warranty	1 yr
27	Video Software	No
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$249.95
31	Wireless	No
32	Other	Wireless remote control

2.9 Muvi Micro Pro



Manufacturer: **Veho**
http://www.veho-world.com

Distributor: **MPH Industries**
http://www.mphindustries.com/

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#	Characteristic	Details [26, 27, 28]
1	Name (Model#)	Muvi Micro Pro (#VCC-003-MUVI-PRO)
2	Mounting	Chest
3	Video Resolution	640 x 480
4	Recording Speed	30 fps
5	Recording Format	AVI
6	Still Photos	No
7	Time/Date Stamp	Yes
8	Field of View	72°
9	Lux Rating	1 lux
10	Night Mode	No
11	Playback Screen	No
12	Audio Format	Unspecified
13	Video Safeguards	No
14	Pre-Event Record	No
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	1.5 hrs
18	Standby	250 hrs
19	Charge Time	2 hrs
20	Storage	4 – 16 GB
21	Recording Time	3 – 12 hrs
22	GPS	No
23	Dimensions	2.17" x 0.71" x 0.79"
24	Weight	1.76 oz
25	Environment Testing	No
26	Warranty	1 yr
27	Video Software	No
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$119.95
31	Wireless	No
32	Other	Ultra small form factor

2.10 Panasonic Wearable Camera

Manufacturer: **Panasonic System Communications Company of North America**
http://us.panasonic.com

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#	Characteristic	Details [29, 30]
1	Name (Model#)	Panasonic Wearable Camera (#WV-TW310)
2	Mounting	Chest
3	Video Resolution	1280 x 960
4	Recording Speed	15 fps, 30 fps
5	Recording Format	H.264
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	180° (horizontal), 140° (vertical)
9	Lux Rating	1.0 lux (black & white), 1.5 lux (color)
10	Night Mode	Yes – Day/Night mode, Automatic
11	Playback Screen	No
12	Audio Format	G.726 (ADPCM) 32 kbps
13	Video Safeguards	Yes
14	Pre-Event Record	Yes – Up to 30 seconds
15	Event Marking	Yes
16	Battery Type	Li-Ion (Rechargeable, Removable)
17	Recording Life	5 hrs
18	Standby	No standby mode
19	Charge Time	3.5 hrs
20	Storage	32 GB
21	Recording Time	8 hrs
22	GPS	No
23	Dimensions	1.8" x 2.9" x 1.6" (camera), 2.38" x 3.94" x 1.44" (battery)
24	Weight	10.9 oz
25	Environment Testing	IP65
26	Warranty	3 yrs
27	Video Software	Yes, Required
28	Police Radio Interface	No
29	Vehicle Mountable	No
30	MSRP	$1,000
31	Wireless	No
32	Other	Tamper-proof cover; Scratch resistant camera cover; Image stabilization; Dynamic optical range to capture details in dark and light areas simultaneously

2.11 RS1-SX

Manufacturer: **Reveal Media Inc.**
http://us.revealmedia.com/

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#	Characteristic	Details [31, 32, 33, 34]
1	Name (Model#)	RS1-SX
2	Mounting	Chest, Belt
3	Video Resolution	640 x 480
4	Recording Speed	30 fps
5	Recording Format	AVI
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	130°
9	Lux Rating	Unspecified
10	Night Mode	No
11	Playback Screen	No
12	Audio Format	AVI
13	Video Safeguards	Yes
14	Pre-Event Record	No
15	Event Marking	Yes
16	Battery Type	Li-ion (Rechargeable, Internal)
17	Recording Life	2.5 hrs
18	Standby	12 hrs
19	Charge Time	2 hrs
20	Storage	8 – 32 GB
21	Recording Time	3.5 – 15 hrs
22	GPS	No
23	Dimensions	2.8" x 1.4" x .75"
24	Weight	3.5 oz
25	Environment Testing	IP65
26	Warranty	1 yr
27	Video Software	Optional, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$699
31	Wireless	Yes
32	Other	No additional information provided

2.12 RS3-SX

Manufacturer: **Reveal Media Inc.**
http://us.revealmedia.com/

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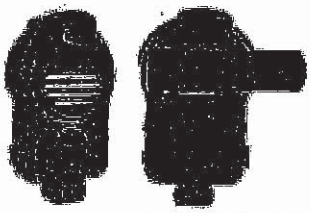
#	Characteristic	Details [35, 36, 33, 34]
1	Name (Model#)	RS3-SX
2	Mounting	Chest, Belt, Shoulder
3	Video Resolution	1920 x 1080p
4	Recording Speed	30 fps
5	Recording Format	MOV
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	120°
9	Lux Rating	0.5 lux
10	Night Mode	No
11	Playback Screen	Yes
12	Audio Format	MPEG-4
13	Video Safeguards	Yes
14	Pre-Event Record	Yes – 30 seconds
15	Event Marking	Yes
16	Battery Type	Li-ion (Rechargeable, Removable)
17	Recording Life	2.5 hrs
18	Standby	12 hrs
19	Charge Time	2 hrs
20	Storage	8 – 32 GB
21	Recording Time	3.5 – 15 hrs
22	GPS	No
23	Dimensions	3.86" x 2.36" x 0.98"
24	Weight	4.93 oz
25	Environment Testing	IP65
26	Warranty	1 yr
27	Video Software	Optional, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$899
31	Wireless	Yes
32	Other	Camera has a 60° vertical articulation and 180° turn

2.13 VidMic

Manufacturer: **Safety Innovations**
http://www.vidmic.com



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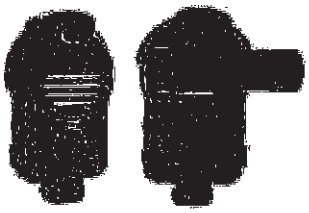
#	Characteristic	Details [37, 38, 39]
1	Name (Model#)	VidMic (#VM-SM)
2	Mounting	Chest
3	Video Resolution	320 x 240
4	Recording Speed	30 fps
5	Recording Format	AVI
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	63°
9	Lux Rating	1.5 lux
10	Night Mode	No
11	Playback Screen	No
12	Audio Format	Unspecified
13	Video Safeguards	Yes
14	Pre-Event Record	No
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	4 hrs
18	Standby	6 hrs
19	Charge Time	3 hrs
20	Storage	1 GB
21	Recording Time	4 hrs
22	GPS	No
23	Dimensions	3.75" x 2.5" x 1.1"
24	Weight	6.5 oz
25	Environment Testing	IP54
26	Warranty	1 – 5 yrs
27	Video Software	Yes, Required
28	Police Radio Interface	Yes
29	Vehicle Mountable	No
30	MSRP	$199
31	Wireless	No
32	Other	No additional information provided

2.14 VidMic VX

Manufacturer: **Safety Innovations**
http://www.vidmic.com



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#	Characteristic	Details [37, 40]
1	Name (Model#)	VidMic VX Wireless (#VM-VX-BW)
2	Mounting	Chest, Belt
3	Video Resolution	640 x 480
4	Recording Speed	30 fps
5	Recording Format	MPEG4
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	92°
9	Lux Rating	0.03 lux
10	Night Mode	Yes – Low Light
11	Playback Screen	Yes
12	Audio Format	Unspecified
13	Video Safeguards	Yes
14	Pre-Event Record	Yes – 30 seconds, disable option
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	8 hrs
18	Standby	16 hrs
19	Charge Time	6 hrs
20	Storage	8 – 64 GB
21	Recording Time	16 – 128 hrs
22	GPS	No
23	Dimensions	4.3" x 2.8" x 1.8"
24	Weight	6.5 oz
25	Environment Testing	IP66
26	Warranty	1 – 5 yrs
27	Video Software	Yes, Required
28	Police Radio Interface	Yes
29	Vehicle Mountable	No
30	MSRP	$499
31	Wireless	Yes
32	Other	Manufactured in USA

2.15 Vid Shield

Manufacturer: **Martel Electronics Sales, Inc.**
http://www.marteldigital.com/

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#	Characteristic	Details [41,42]
1	Name (Model#)	Vid Shield (#V3)
2	Mounting	Chest, Belt, Shoulder
3	Video Resolution	1920 x 1080
4	Recording Speed	60 fps
5	Recording Format	H.264
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	120°
9	Lux Rating	Unspecified
10	Night Mode	Yes – Night vision with IR illumination
11	Playback Screen	Yes
12	Audio Format	AAC
13	Video Safeguards	Yes
14	Pre-Event Record	No
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	4 hrs
18	Standby	300 hrs
19	Charge Time	4 hrs
20	Storage	32 GB
21	Recording Time	8.5 hrs
22	GPS	Optional – Requires GPS accessory
23	Dimensions	3.8" x 2.0" x 0.9"
24	Weight	3 oz
25	Environment Testing	IP67, MIL-STD 810G
26	Warranty	1 yr
27	Video Software	Yes, Not Required
28	Police Radio Interface	Optional
29	Vehicle Mountable	Yes
30	MSRP	Unspecified
31	Wireless	No
32	Other	No additional information provided

2.16 VIEVU LE3

Manufacturer: **VIEVU, LLC**
http://www.vievu.com/

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#	Characteristic	Details [43, 44]
1	Name (Model#)	VIEVU LE3
2	Mounting	Chest
3	Video Resolution	1280 x 720
4	Recording Speed	30 fps
5	Recording Format	H.264 AVI
6	Still Photos	No
7	Time/Date Stamp	Yes
8	Field of View	68°
9	Lux Rating	Unspecified
10	Night Mode	Yes – Low Light, Automatic
11	Playback Screen	No
12	Audio Format	ADPCM
13	Video Safeguards	Yes
14	Pre-Event Record	No
15	Event Marking	No
16	Battery Type	Li-Ion (Rechargeable, Internal)
17	Recording Life	5 hrs
18	Standby	72 hrs
19	Charge Time	3 hrs
20	Storage	16 GB
21	Recording Time	6 – 12 hrs
22	GPS	No
23	Dimensions	3" x 2.1" x 0.85"
24	Weight	2.8 oz
25	Environment Testing	10' drop test, IPX5
26	Warranty	90 days
27	Video Software	Yes, Required
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$899.95
31	Wireless	No
32	Other	16:9 video aspect ratio increases capture field of view, audio recording can be disabled

2.17 Wolfcom 3rd Eye

Manufacturer: **Wolfcom Enterprises**
http://www.wolfcomusa.com/

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#	Characteristic	Details [45, 46, 47]
1	Name (Model#)	Wolfcom 3rd Eye
2	Mounting	Chest, Belt Shoulder
3	Video Resolution	1920 x 1080p
4	Recording Speed	30 fps, 60 fps
5	Recording Format	H.264 MOV
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	120°
9	Lux Rating	1 lux
10	Night Mode	Yes – Night vision with IR illuminators
11	Playback Screen	Yes
12	Audio Format	AAC2
13	Video Safeguards	Yes – Admin and user access permissions
14	Pre-Event Record	No
15	Event Marking	Yes
16	Battery Type	Li-Poly (Rechargeable, Internal)
17	Recording Life	6 hrs
18	Standby	168 hrs
19	Charge Time	4 hrs
20	Storage	32 GB
21	Recording Time	17 hrs
22	GPS	Yes
23	Dimensions	3.75" x 2.35" x 1.25"
24	Weight	5.6 oz
25	Environment Testing	6' drop test, IPX3
26	Warranty	1 yr
27	Video Software	Yes, Not Required
28	Police Radio Interface	Yes
29	Vehicle Mountable	Yes
30	MSRP	$475
31	Wireless	No
32	Other	Badge number can be added to metadata of videos; Can be set to record video only with no audio; Can be used as a voice recorder (500 hrs); Can mark the GPS location of tossed items during a pursuit; HDMI output port; Screen capture ability; Invert recording for alternate positioning on the body

2.18 Wolfcom Vision

Manufacturer: **Wolfcom Enterprises**
http://www.wolfcomusa.com/

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#	Characteristic	Details [45, 46, 47]
1	Name (Model#)	Wolfcom Vision
2	Mounting	Chest, Belt, Shoulder (Optional: Head, Glasses, Hat)
3	Video Resolution	1920 x 1080p
4	Recording Speed	30 fps, 60 fps
5	Recording Format	MPEG4 MOV
6	Still Photos	Yes
7	Time/Date Stamp	Yes
8	Field of View	120°
9	Lux Rating	1 lux
10	Night Mode	Yes – Low light
11	Playback Screen	No
12	Audio Format	AAC
13	Video Safeguards	Yes
14	Pre-Event Record	Yes – 3 to 30 min
15	Event Marking	No
16	Battery Type	Li-Poly (Rechargeable, Internal)
17	Recording Life	2.5 hrs
18	Standby	120 hrs
19	Charge Time	3 hrs
20	Storage	32 GB
21	Recording Time	18 hrs
22	GPS	Optional – Requires GPS accessory
23	Dimensions	1.5" x 2.9" x 0.6"
24	Weight	2.5 oz
25	Environment Testing	6' drop test, IPX4
26	Warranty	1 yr
27	Video Software	Yes, Not Required
28	Police Radio Interface	No
29	Vehicle Mountable	Yes
30	MSRP	$249.99
31	Wireless	No
32	Other	Remote view capable by 3rd party devices; Badge number can be added to metadata of videos; Can be set to record video only with no audio; Can be used as a voice recorder (500 hrs); Can mark the GPS location of tossed items during a pursuit

3.0 Other BWCs

The following additional BWC was identified by the SSBT CoE, but the vendor did not provide a submission response to the *Federal Register* notice. More information can be obtained by visiting the provided website for the camera system.

3.1 HD Video-Camera Glasses (Applied Technology Partners)

Name (Model): HD Video-Camera Glasses

Manufacturer: Applied Technology Partners

Website: http://atpcorporate.com/cameras.html

4.0 BWC Technical Summary Comparison

Name (Model#)	AXON Body	AXON Flex	BODY-CAM	DutyCAM Observer 1	DuyVUE Trooper 32/64	FirstVu	FirstVu HD	Muvi HD Pro	Muvi Micro Pro
Mounting	Chest, Belt	Head, Shoulder, Glasses, Collar, Hat, Helmet	Chest, Shoulder	Chest, Belt, Other	Chest, Belt, Other	Chest, Belt	Chest, Belt, Shoulder, Head, Helmet	Chest, Belt, Helmet	Chest
Video Resolution	640 x 480	640 x 480	1920 x 1080p	1920 x 1080p	1920 x 1080p	640 x 480	1280 x 720p	1920 x 1080p	640 x 480
Recording Speed	30 fps	30 fps	30 fps, 60 fps	30 fps, 60 fps	30 fps, 60 fps	30 fps	Various	30 fps, 60 fps	30 fps
Video Format	MPEG-4 pt 2	MPEG-4 Pt 2	MOV	H.264	H.264	H.264 AVI	H.264 AVI	H.264 MOV	AVI
Still Photos	No	No	Yes	Yes	Yes	Yes	No	Yes	No
Time/Date Stamp	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Field of View	137°	75°	170°	120°	120°	133°	130°	170°	72°
Lux Rating	<1 lux	<1 lux	0.3 Lux	0.1 lux	0.1 lux	1.2 lux	0.08 lux	1 lux	1 lux
Night Mode	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Playback Screen	Optional	Optional	Yes	Yes	Yes	Yes	No	Yes	No
Audio Format	MP3	MP3	WAV	AAC, MP3	AAC, MP3	MP3	MP3	AAC MP4a	Unspecified
Video Safeguards	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Pre-Event Record	Yes	Yes	No	Yes	Optional	Yes	Yes	No	No
Event Marking	No	No	No	Optional	Optional	Yes	Yes	No	No
Battery Type	Recharge, Internal	Recharge, Internal	Recharge, Internal	Recharge, Internal	Recharge, Internal	Recharge, Remove	Recharge, Remove	Recharge, Internal	Recharge, Internal
Recording Life	12 hrs	12 hrs	4 hrs	8 hrs	8 hrs	4 hrs	4.5 hrs	3 hrs	1.5 hrs
Standby	12 hrs	12 hrs	120 hrs	24 hrs	24 hrs	12 hrs	60 hrs	250 hrs	250 hrs
Charge Time	4 hrs	4 hrs	3 hrs	2 hrs	2 hrs	2.5 hrs	4 hrs	3 hrs	2 hrs
Storage	8 GB	8 GB	8 – 32 GB	16 – 32 GB	32 – 64 GB	16 – 32 GB	32 GB	8 – 32 GB	4 – 16 GB
Recording Time	4 – 13 hrs	4 – 13 hrs	3 – 18 hrs	18 hrs	18 hrs	16 – 32 hrs	25 – 54 hrs	1.2 – 4.7 hrs	3 – 12 hrs
GPS	Optional	Optional	No	Yes	Yes	No	No	No	No
Dimensions	0.8 " x 2.6" x 3.3"	3.2" x 0.80" x 0.71"; 0.8" x 2.6" x 3.3"	2.5" x 2.0" x 1.0"	3.77" x 2.48" x 0.82"	2.25" x 2.88" x 0.75"	2.7" x 4.3" x 1"	1.13" x 1.5" x 1.0"; 2.5" x 4" x 0.63"	3.15" x 1.85" x 0.75"	2.17" x 0.71" x 0.79"
Weight	3.5 oz	0.53 + 3.3 oz	3.6 oz	10 oz	7 oz	6.4 oz	3.9 oz	2.86 oz	1.76 oz
Environment Testing	Drop test, IP55, Method 506.4	Drop test, IPX2, Method 506.4	IPX5	IP56	IP56	IP55	Pending	No	No
Warranty	1 yr	1 yr	1 yr	1 - 3 yrs	1 yr	1 yr	1 yr	1 yr	1 yr
Video Software	Optional, Not Required	Optional, Not Required	Yes, Not Required	Optional Not Required	Optional Not Required	Optional, Not Required	Optional, Not Required	No	No
Police Radio Interface	No	No	No	Optional	Optional	No	No	No	No
Vehicle Mountable	Pending	Pending	Yes	No	No	Yes	Yes	Yes	Yes
MSRP	$299	$499	$150	$399 – $599	$499 – $699	$795	$995	$249.95	$119.95
Wireless	Yes	Yes	No	No	Optional	No	Optional	No	No
Other	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry

BWC Technical Summary Comparison (continued)

Name (Model#)	Panasonic Wearable Camera	RS1-SX	RS3-SX	VidMic	VidMic VX Wireless	Vid Shield	VIEVU LE3	Wolfcom 3rd Eye	Wolfcom Vision
Mounting	Chest	Chest, Belt	Chest, Belt, Shoulder	Chest	Chest, Belt	Chest, Belt, Shoulder	Chest	Chest, Belt Shoulder	Chest, Belt, Shoulder, Other
Video Resolution	1280 x 960	640 x 480	1920 x 1080p	320 x 240	640 x 480	1920 x 1080	1280 x 720	1920 x 1080p	1920 x 1080p
Recording Speed	15 fps, 30 fps	30 fps	30 fps	30 fps	30 fps	60 fps	30 fps	30 fps, 60 fps	30 fps, 60 fps
Video Format	H.264	AVI	MOV	AVI	MPEG4	H.264	H.264 AVI	H.264 MOV	MPEG4 MOV
Still Photos	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Time/Date Stamp	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Field of View	180°, 140° (vertical)	130°	120°	63°	92°	120°	68°	120°	120°
Lux Rating	1.0, 1.5 lux	Unspecified	0.5 lux	1.5 lux	0.03 lux	Unspecified	Unspecified	1 lux	1 lux
Night Mode	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes
Playback Screen	No	No	Yes	No	Yes	Yes	No	Yes	No
Audio Format	G.726, 32 kbs	AVI	MPEG-4	Unspecified	Unspecified	AAC	ADPCM	AAC2	AAC
Video Safeguards	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pre-Event Record	Yes	No	Yes	No	Yes	No	No	No	Yes
Event Marking	Yes	Yes	Yes	No	No	No	No	Yes	No
Battery Type	Recharge, Remove	Recharge, Internal	Recharge, Remove	Recharge, Internal	Recharge, Internal	Recharge, Internal	Recharge, Internal	Recharge, Internal	Recharge, Internal
Recording Life	5 hrs	2.5 hrs	2.5 hrs	4 hrs	8 hrs	4 hrs	5 hrs	6 hrs	2.5 hrs
Standby	N/A	12 hrs	12 hrs	6 hrs	16 hrs	300 hrs	72 hrs	168 hrs	120 hrs
Charge Time	3.5 hrs	2 hrs	2 hrs	3 hrs	6 hrs	4 hrs	3 hrs	4 hrs	3 hrs
Storage	32 GB	8 – 32 GB	8 – 32 GB	1 GB	8 – 64 GB	32 GB	16 GB	32 GB	32 GB
Recording Time	8 hrs	3.5 – 15 hrs	3.5 – 15 hrs	4 hrs	16 – 128 hrs	8.5 hrs	6 – 12 hrs	17 hrs	18 hrs
GPS	No	No	No	No	No	Optional	No	Yes	Optional
Dimensions	1.8" x 2.9" x 1.6"; 2.38" x 3.94" x 1.44"	2.8" x 1.4" x .75"	3.86" x 2.36" x 0.98"	3.75" x 2.5" x 1.1"	4.3" x 2.8" x 1.8"	3.8" x 2.0" x 0.9"	3" x 2.1" x 0.85"	3.75" x 2.35" x 1.25"	1.5" x 2.9" x 0.6"
Weight	10.9 oz	3.5 oz	4.93 oz	6.5 oz	6.5 oz	3 oz	2.8 oz	5.6 oz	2.5 oz
Environment Testing	IP65	IP65	IP65	IP54	IP66	IP67, MIL-STD 810G	Drop test, IPX5	Drop test, IPX3	Drop test, IPX4
Warranty	3 yrs	1 yr	1 yr	1 – 5 yrs	1 – 5 yrs	1 yr	90 days	1 yr	1 yr
Video Software	Yes, Required	Optional, Not Required	Optional, Not Required	Yes, Required	Yes, Required	Yes, Not Required	Yes, Required	Yes, Not Required	Yes, Not Required
Police Radio Interface	No	No	No	Yes	Yes	Optional	No	Yes	No
Vehicle Mountable	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes
MSRP	$1,000	$699	$899	$199	$499	Unspecified	$899.95	$475	$249.99
Wireless	No	Yes	Yes	No	Yes	No	No	No	No
Other	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry	See Entry

Appendix A: Acronyms, Abbreviations and References

A.1 Acronyms and Abbreviations

Acronym	Description
BWC	Body-Worn Camera
CoE	Center of Excellence
DOJ	Department of Justice
fps	frames per second
GB	Gigabytes
IR	Infrared
MSRP	Manufacturer Suggested Retail Price
NIJ	National Institute of Justice
NLECTC	National Law Enforcement and Corrections Technology Center
R&D	Research and Development
SSBT	Sensor, Surveillance, and Biometric Technologies

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F

Rialto, California Police Department Study

SELF-AWARENESS TO BEING WATCHED AND SOCIALLY-DESIRABLE BEHAVIOR: A FIELD EXPERIMENT ON THE EFFECT OF BODY-WORN CAMERAS ON POLICE USE-OF-FORCE

INTRODUCTION

The Rodney King story is a potent reminder about the enormous power that police officers have and how it can sometimes be abused. That was the case of an African-American who was repeatedly beaten by Los Angeles police officers, and was arguably the impetus for the 1992 Los Angeles riots. The King incident signifies just how disproportionate use of force could shutter the reputation of the police and lead into social cataclysm. Importantly, there are still somewhat similar cases taking place[1], despite efforts to stop such behavior through better training and prosecution of rogue officers. Are these incidents unavoidable?

A voluminous body of research across various disciplines has shown that when humans become self-conscious about being watched, they often alter their conduct. Accumulated evidence further suggests that individuals who are aware that they being observed often embrace submissive or commonly-accepted behavior, particularly when the observer is a rule-enforcing entity. What is less known, however, is what happens when the observer is not a "real person", and whether being videotaped can have an effect on aggression and violence. For instance, would the Rodney King incident be avoided had the officers known that they are being videotaped? Would frequency of police use of force be reduced if all interactions between officers and members of the public were under known electronic surveillance?

We have tested whether police body-worn cameras would lead to socially-desirable behavior of the officers who wear them. Individualized HD cameras were "installed" on the officers' uniforms, and systematically-recorded every police-public interaction. We randomly assigned a year's worth of police shifts into experimental and control shifts within a large randomized controlled field experiment conducted with the Rialto Police Department (California). We investigated the extent to which cameras effect human behavior and, specifically, reduce the use of police force. Broadly, we have put to test the implication of self-awareness to being observed on compliance and deterrence theory in real-life settings, and explored the results in the wider context of theory and practice.

SELF-AWARENESS LEADING TO SOCIALLY-DESIRABLE BEHAVIOR: THE GENERALIZED MECHANISM BEHIND THE EFFECT OF CAMERAS

Several lines of research across many disciplines of science suggest that most forms of species alter their behaviors once made aware that they are being observed.[2] In humans, a rich body of evidence on perceived social surveillance - self-awareness[3] and socially desirable responding[4] - proposes that people adhere to social norms and alter their behavior because of the awareness that someone else is watching[5]. It seems that knowing with sufficient certainty that our behavior is being observed or judged

affects various social cognitive processes: We experience public self-awareness[6] , become more prone to socially-acceptable behavior[7] and sense a heightened need to cooperate with rules[8].

Getting caught doing something morally or socially wrong is often registered as behavior that can potentially lead to negative consequences, which is an outcome rational individuals tend to avoid[9]. Several experiments in social psychology have uncovered a propensity to avoid negative outcomes, and the findings generally agree that individuals react compliantly to even the slightest cues indicating that somebody may be watching. Cues signal how we ought to behave, and they can range from reputational[10], shame[11] to punishment for noncompliance[12]. Paradigmatically, these cues are more broadly explored under deterrence theory.

Deterrence theory relies heavily on self-awareness and how being watched would lead to socially desirable behaviors. Its theoretical roots are found in 18th century enlightenment philosophy[13], but an extensive body of recent rigorous research across several categories of human behavior has shown that when certainty of apprehension for wrongdoing is high, socially and morally unacceptable acts are dramatically less likely to occur[14]. Particularly around crime and disorder, when consequences of apprehension can be bleak (imprisonment, fines, etc.), people simply do not want to get caught. For instance, when meta-analyzing the available data from more than two dozen experiments on policing hotspots of crime, Braga, Papachristos and Hureau (2012) have shown that police presence in high-crime areas specifically meant to increase the perceived certainty of apprehension, can significantly reduce crime incidents at these hotpots compared to control conditions (d=.2, $p<.001$).

Thus, physical presence of other people, especially rule-enforcers, either produces cooperative behavior or deters away non-cooperative or noncompliant behavior[15]. However, evidence further suggests that other, less direct, cues can also manipulate self-consciousness to socially-desirable responding. For example, the mere picture of a pair of eyes has been shown to deter people from noncompliance[16]. Likewise, the presence of various stimuli such as mirrors can be used to situationally-increase self-consciousness[17] and in turn to generate socially desirable behaviors.

Far less is known about cameras and video-cameras, though theoretically they are hypothesized to produce socially desirable behaviors as well. Much like live observers, mirrors or pictures of eyes, cameras can make us self-conscious not only to the fact that we are being watched, but also to drive us into compliance - arguably to a greater extent than other stimuli tested thus far in research. When we become aware that a video-camera is recording our actions, we also become self-conscious that unacceptable behaviors are likely to be captured on film, and the perceived certainly of punishment is at its highest. "Getting away" with rule breaking is thus far less convincible if you are being videotaped.

Despite this conceptual appeal of cameras on human behavior, and possible social control policies around their use, rigorous research on their effect is minimal. Thus far, the evidence on how cameras can potentially deter against morally and socially-undesirable behaviors has primarily been collected on two subtypes of recording devices: CCTVs and speed cameras. Both types are meant to trigger that perceptual mechanism of self-awareness: (passive) cameras are placed in public spaces in order to increase the perceived likelihood of being apprehended. The available meta-analysis of the evidence from 44 studies on the use of public-area CCTV has shown that the mechanism "works" in principle, insofar as cameras caused a modest (16%) decrease in crime in experimental areas compared with control areas. However, this overall result was largely driven by the effectiveness of CCTV schemes in car parks, which caused a 51% decrease in crime[18] and not in more serious or violence crimes. Similarly, speed cameras were found to reduce the incidence of speeding, road traffic crashes, injuries and deaths[19]. A meta-analysis of 35 rigorous studies has found that, compared with controls, the relative reduction in proportion of vehicles speeding was up to 65% and up to 44% for fatal and serious injury crashes

Yet the most prominent type of cameras - mobile cameras - has been virtually ignored in psychology and social sciences. What are their effects on self-awareness? Could they promote socially-desirable behavior? Can they be used as a social control mechanism? Although theoretically compelling, direct experimental research on how portable cameras affect our behavior is currently non-existent, let alone how we would behave in social contexts that require us to follow rules.

HYPOTHESES

We hypothesize that portable cameras would go beyond the limited impact that CCTVs have had on expressive acts of violence in public spaces. CCTV cameras were found to be weak behavior modifiers not because of a flaw in the self-awareness paradigm or the deterrence theory. Rather, the level of certainty of being apprehended necessary for the self-awareness mechanism, which would lead to socially-desirable behavior, is not high enough in CCTV. If cameras are expected to influence behavior and to serve as cues that social norms or legal rules must be followed, then the cue "dosage" of awareness must be intense. Mobile cameras are likely to have this effect.

In passing, we note that self-consciousness caused by active mobile cameras will not necessarily lead people to follow rules, as this largely depends on who is holding the camera. In this research, however, we have focused solely on devices that were operated in the context of law-enforcement. We therefore hypothesize that rational beings including police officers are unlikely to embrace socially *un*desirable behavior when videotaped.

METHODS

RESEARCH SETTINGS

We tested these questions in a large field experiment in Rialto, California, by measuring the magnitude of the effect of wearing highly-visible portable HD cameras by frontline officers on incidents of use-of-force.

Rialto Police is a mid-sized police department that has jurisdiction over 28.5 square miles and services a population of 100,000 residents. The department employs 115 sworn police officers and 42 non-sworn personnel who deal with approximately 3,000 property crimes per year and 500 violent crimes per year. In 2009-2011, the department has dealt with 6 to 7 homicides per year, which is nearly 50% higher than the US national rate per 100,000.

PARTICIPANTS

The entire population of Rialto Police Department frontline officers participated in the experiment (n=54), though we consider the shift to be the unit-of-analysis. Frontline officers work seven days per week, in six shifts of 12 hours per day, or a total 2,038 officer shift-hours per week. Each shift consists of approximately ten armed officers who patrol the streets of Rialto and interact with offenders, victims, witnesses and members of the public. When officers were assigned to treatment conditions (see below), they were instructed to "wear" HD cameras, which would then record all of these interactions.

PROCEDURE AND RANDOM ALLOCATION

The experiment began on February 13, 2012 and ran for 12 months. The experimental procedure included random assignment of all police shifts to either experimental or control conditions. "Experimental shifts" consisted of shifts in which officers were assigned to wear HD audio-visual recording apparatus (see below) that captured all police-public encounters during these shifts. "Control shifts" consisted of shifts in which officers were instructed not to wear the HD cameras. Integrity of assignment was maintained by both measuring the number of "footage-hours" against the assigned shifts as we all dip-sampling dates of footage and ascertaining that officers wore cameras as assigned.

The experimental procedure is illustrated in Table 1 below. As shown, there are 19 shifts during any given week and 54 frontline officers conducted patrols in six teams: Two teams work day shifts, three shifts work nights, and two shifts are cover shifts. Shifts were randomly allocated to treatment and control conditions, using the Cambridge Randomizer[20], on a weekly basis. In total, we assigned 988 (12

months) into 489 treatment and 499 control conditions. Using *G*Power 3.1.3*, we estimated *a-priori* that this sample size can detect small effects of standardized mean difference of 0.2, in which the statistical-significance level is 5% and estimated statistical power of 80%[21].

Insert Table 1 Here

APPARATUS

We collaborated with *Taser Inc.*© to provide all frontline officers their HD body-worn cameras. These body-mounted cameras capture video evidence from the officer's perspective. Weighing 108 grams and small enough to place on the officer's shirt pocket, the camera systems can be affixed to the hat, collar, shoulder, or specially designed Oakley© sunglasses. The unit is water resistant, the video is full color, and the battery life lasts for at least 12 hours, thus making it ideal for the shift patterns of Rialto Police. The cameras can be viewed in Supplementary Materials 1 through 4 below.

All data from the cameras were collated using a web-based computerized video management system developed by *evidence.com*©. The software tracked and inventoried all *Taser Inc.*© video cameras evidence. The system automatically uploaded the officers' videos at the end of their shifts and the research team was granted full access to these rich data, encompassing over 50,000 hours of police-public interactions.

Figures S1-S#1-4 Here

MEASURES

Police General Orders require all officers to document any instance of use of force, which encompasses physical force more than a basic control or "compliance hold", including use of OC spray, baton, Taser, canine bite or firearm[1]. We looked at four main outcomes to measure use-of-force. First, a standardized police tracking system called *Blue Team* measures all recorded use-of-force incidents. The system enabled us to count how many incidents have occurred during the experimental period, in both

[1] Additionally, Penal Code 148 (a) (1) states the following - *Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.*

experimental and control shifts, and to verify the details of the incidents, such as whether the officer or the suspect initiated the incident.

Second, the police tracked formal complaints against officers with a software called *IA Pro*. Citizens' complaints are incidents where the reporting party has filed a grievance form against alleged misconduct or what they perceive as poor performance. We used the data captured on this system to count the number of complaints filed against police officers, as a proxy for use-of-force.

Third, we measured the total number of contacts between the police and the public. Any non-casual interaction with the public was recorded on the Department's computer-aided dispatch system (CAD) as well. These included attending to calls-for-service, formal advices given to individuals, collecting evidence and statements during any type of investigation and the like. With this variable we were able to compute the rate of incidents per 1,000 police-public contacts.

Fourth, we analyzed the content of the videotapes, in order to enrich our analysis with qualitative data. Here, we primarily focused on the incidents in which force was used, though more broadly the data can be used to systematically observe police-public encounters and measure police performance, possibly elements of procedural justice as well. The outcome of choice was primarily a validation of the *Blue Team* and *IA Pro* reports in terms of the type of force used and how the incident was initiated.

BASELINE ANALYSIS

Table 2 below lists the outcome variables at baseline, up to three years prior to the experiment. As shown, use of force is a relatively rare event, with approximately 65 incidents per year, or 1.46 incidents for every 1,000 police-public contacts. Similarly, complaints lodged by citizens against police officers are infrequent, with 28 grievances filed against officers in 2011 (about 0.7 for every 1,000 contacts). Police-public contacts data show that, on average, Rialto officers interacted with members of the public about 3,600 times per-month (approximately 42 recorded contacts per shift).

Insert Table 2 Here

STATISTICAL PROCEDURE

Poisson Generalized Linear Model will be used to model the data, given the distribution of the outcome data. Group assignment ("experimental shifts"/"control shifts") is set as a predicting variable,

and the dependent variables will be the number of use-of-force incidents and the number of citizens' complaints. We will also look at the likelihood of use-of-force and the likelihood of filing a complaints, by measuring the magnitude of the treatment effect using odds ratios (OR), and then the magnitude of the difference in terms of the rates of these measures per shift.

RESULTS

Table 3 below summarizes the findings in terms of the predicted effect of the treatment under the statistical model. The table also presents the standard error term, the 95% confidence interval (CI), and the Wald Chi-Square statistic.

Insert Table 3 Here

We have detected a significant treatment effect on use of force {B=-0.924 95% CI [(-.1806)-(-.042)]}. Shifts without cameras experienced twice as many incidents of use of force as shifts with cameras {OR=2.121; 95%CI = (0.907)-(4.960)}. The direction of the findings was mirrored by the difference in the rate of use-of-force per shift between treatment and control conditions, though not to the same magnitude (*d*=.140; CI 95% =.015-.265). We have also detected that, globally, the rate of use of force incidents per 1,000 contacts was reduced by 2.5 times compared to the 12 months prior to the experimental period (mean baseline=1.46; mean treatment=.33; mean control=.78), as shown in Fig. 1 below.

In terms of complaints against officers, we were unable to compute a treatment effect as planned, since the overall reduction was so large that there were not enough complaints to conduct any meaningful analyses (only one complaint lodged for an incident that has occurred during control conditions and two for incidents that occurred during treatment condition). Importantly, there was an overall reduction from 28 complaints filed lodged in the 12 months before the trial to the 3 during the trial - or 0.70 complaints per 1,000 contacts compared to .069 per 1,000 contacts.

Insert Fig. 1 here

The qualitative analysis of the recorded footage – 6,776 video files of 724 gigabytes of memory - and *Blue Team* data revealed three major findings. First, the difference between the study conditions

concentrated in less severe cases: during experimental shifts in which use-of-force was required, police weapons were often not used. In all videotaped incidents (treatment condition) in which force was used by officers the subject is clearly seen to be physically-abusive or to physically resisting arrest. On the other hand, in five incidents that have occurred during control shifts (out of a total of seventeen incidents) officers resorted to use force without being physical-threatened.

Second, in both experimental and control groups the police used force using Taser guns but to a far greater degree in the experimental arm (5 out of 8, and 7 out of 17 respectively). The incident logs suggest that Taser guns were used when officers were physically assaulted or threatened (by drunken suspects or while in-pursuit of offenders).

Lastly, we reviewed who has initiated the use-of-force. All videotaped incidents are cases in which the physical contact was commenced by the member of the public, whereas 4 out of the 17 control cases the officer initiated the physical contact.

DISCUSSION

In this experiment we tested for the first time the effect of mobile cameras on self-awareness and ultimately socially-desirable behavior. The cameras were hypothesized to increase police officers self-consciousness that they were being watched and therefore to increase their compliance to rules of conduct, especially around use of force. The findings suggest more than a 50% reduction in the total number of incidents of use of force compared to control conditions, and nearly ten times more citizens' complaints in the 12 months prior to the experiment.

The implications of these findings for psycho-social theories and particularly for our understanding of self-awareness are meaningful but perhaps not unexpected. We anticipated that the videotaped interactions will experience fewer incidents of use of force, because of the fundamental tendency of rational beings to exhibit more desirable behaviors when they know under surveillance, particularly in scenarios that require them to follow rules. What is surprising, however, is that as far as we can tell this is the first field experiment that has tested this paradigm in real-life settings – at least under these conditions. Mobile cameras are "everywhere" but at the same time nowhere in social science research, insofar as studying their effect on compliance is concerned.

Therefore, this convergence of self-awareness theory with deterrence theory in the context of police-public relations, is something of a *terra nullius*. Deterrence theory presupposes self-consciousness to being-observed, but never really explored it with sufficient rigor. What is the *measurable* level of certainty that enables deterrence to take place? What is the threshold of cognitive attentiveness, under

which the rule-breaker does not internalize the possibility of getting caught? At the very least, this experiment provides an example of a *way* to measure these dimensions. More broadly, however, the study was able to expose what happens when the level of certainty of apprehension for professional misconduct was set at 100%. These are social circumstances that are characterized with an inescapable panopticonic gaze[22]. Future explorations of the nexus between deterrence and self-awareness to being observed may want to scrutinize other contexts, other recording technologies and other levels of certainty of apprehension.

In practical terms, the findings can easily be extended to other law-enforcement agencies, but to other professional arenas and social contexts as well. We envisage that any rule-enforcing profession can benefit from intensified certainty of apprehension that was "created" by devices such as body-worn cameras. For instance, medical physicians and other care-providers may benefit from having their interactions videotaped as it can potentially reduce cases of alleged unprofessional conduct. We acknowledge that this may pose ethical considerations, though we believe that, on average, the benefits outweigh the costs. One should also bear in mind that those that come in contact with these and other rule-enforcers already use such devices, so the major difference would be to institutional this practice and possibly introduce control measures.

Lastly, we cannot rule out the possibility that the cameras have (also) modified the behavior of those who interacted with the police. Members of the public with whom the officers communicated were also aware of being videotaped and therefore were likely to be cognizant that they ought to act cooperatively. However, we did not collect any evidence from these individuals to be able to ascertain this question. In spite of that, the psychological mechanisms ought to be substantially similar, though this is an avenue best explored experimentally in the future.

***

TABLES AND FIGURES

Table 1:

Example of RIALTO POLICE DEPARTMENT PATROL PATTERNS random assignment

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
DAY SHIFT	Exp't	Exp't	Control	Exp't	Exp't	Control	Exp't
NIGHT SHIFT	Exp't	Control	Control	Exp't	Control	Exp't	Exp't
COVER SHIFT		Exp't	Control	Control	Control	Control	

Table 2: Use of Force, Citizens Complaints and Police-Public Raw Figures – Baseline and Experimental Raw Data

	2009	2010	2011	Jan 2012 - Feb 12 2012	13 Feb 2012 - 12 Feb 2013*
Use of Force	70	65	60	7	25^
Complaints	36	51	28	5	3^^
Police-Public contacts	--‡	--‡	40,111	4,993	43,289

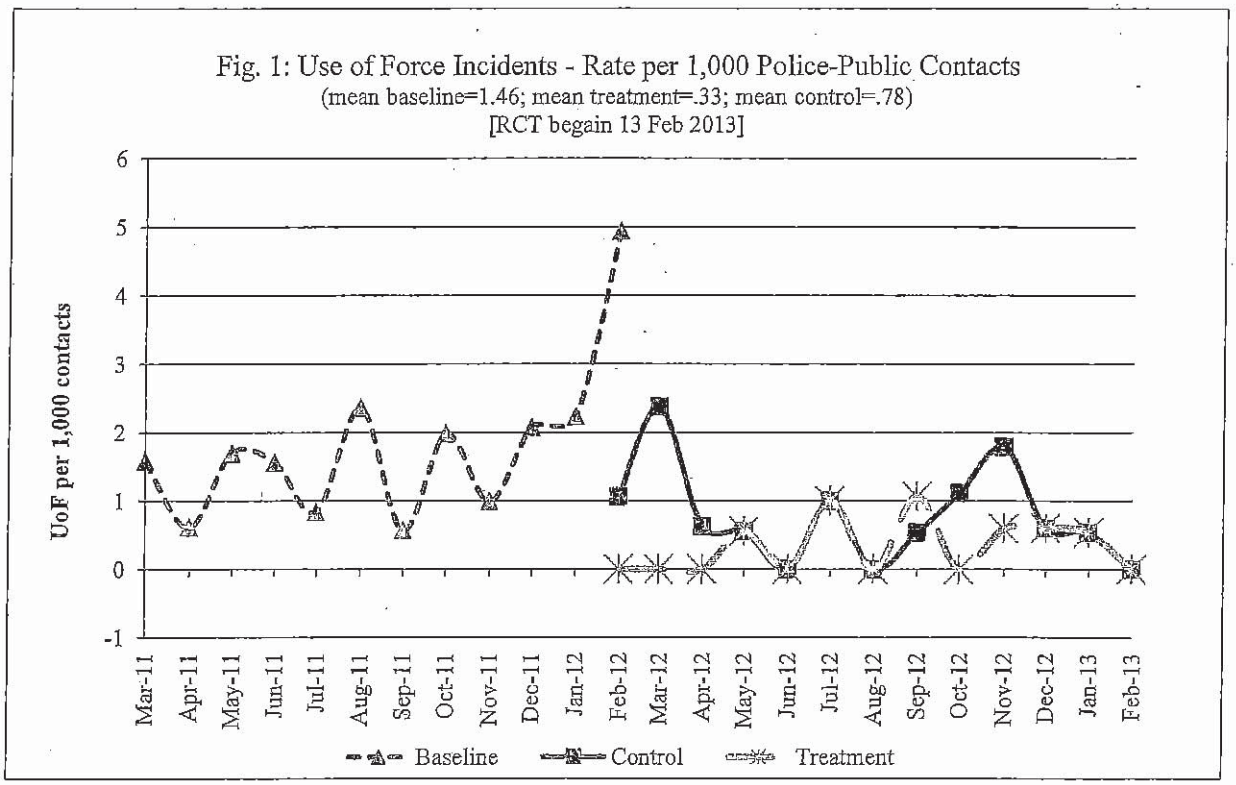
* experimental period
^ 8 during experimental shifts, 17 during control shifts (n=499)
^^ 2 during experimental shifts, 1 during control shifts (n=489)
‡ data automatically collected starting in 2011

Table 3: Poisson Generalized Linear Model and Effect Size Analyses

Parameter Estimates						Effect Sizes (95%CI)
			95% Wald CI			
Parameter	*B*	SE	Lower	Upper	Wald χ^2	
Use of Force	-.924	.4500	-1.806	-.042	4.22**	***OR*=2.121 (.907-4.960)**[†]
(Intercept)	-4.246	.3807	-4.993	-3.500	124.45***	***d*=.140 (.015-.265)** [††]

* p<.1 , ** p<.05 , *** p<.01

[†] based on counts of use of force incidents; [††] based on rate of use-of-force per shift



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ACLU Letter/2013 White Paper

To: Miami-Dade Police Department

From: ACLU of Florida
Michelle Richardson, Director of Public Policy
ACLU of Miami Chapter
Jeanne Baker, Chair, Police Practices Committee

Date: September 16, 2014

Re: Body-Worn Police Cameras

Thank you for contacting us regarding the use of body-worn police cameras, and for soliciting our recommendations on their regulation. The ACLU believes that body-worn cameras on police officers can be a win-win for both the police and the public if implemented correctly.

While the ACLU has opposed the proliferation of technologies that facilitate the suspicionless collection of data on everyday citizens, we have supported recording pubic-police interactions through dash cameras and during interrogations. Of course, body cameras have the potential to catch much more intimate and personal information as they potentially follow officers into victims' homes, record gruesome crime scene images or record friendly conversations amongst officers.

On balance we believe that with the right privacy policies these cameras are a net positive for communities. Initial studies have confirmed that the use of body cameras result in a significant reduction in both the use of force and citizen complaints of police misconduct. It is suggested that the essentially instant drop in these two types of incidents is not only due to changes in police behaviors, but in the public's behavior, too.

We recommend that you adopt written policies about the use of body cameras and the resulting video before body-worn cameras are put into operation, even if in pilot form. There are many issues for your department to consider but our recommendations will focus on privacy, accountability and open records considerations.

<u>The need for written, public policies governing the use of body cameras and their footage</u>. Body cameras are a relatively new technology with big implications for the privacy of officers and the public, as well as accountability and oversight of police departments. While they have been implemented in a number of jurisdictions across the country, recent events in Ferguson, MO, seem to have accelerated the consideration and implementation of body cams in many more, including several cities in Florida.[1]

Just last week the Police Executive Research Forum (PERF) released the first comprehensive study of body camera programs in the US and reported that nearly a third of agencies surveyed did not have

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[1] Daytona Beach operates body cameras. Tampa, Sarasota, Miami, Miami Beach and Cape Coral are either in the process of authorizing and procuring them, or operating pilot programs.

--whenever a warrant is being served;

--when an individual is being pulled over or stopped in the car or as a pedestrian;

--when an otherwise consensual or friendly interaction becomes a situation in which a police officer begins investigating a potential crime;

--whenever an officer is unsure whether the recording policy applies;[6]

Permissible exceptions to the presumption to record include:

--Inside a person's home, when the resident requests that the video be turned off;

--The taping of a sexual assault or domestic violence victim, a child, or someone undressed;

--When an officer is interacting with undercover officers or confidential sources, or a witness (not a person of interest) who will otherwise not speak to police if cameras are running.

It is never permissible to use cameras to record the exercise of peaceful first amendment activity such as protests or religious services.[7]

Privacy

Notice: It is important that the public be aware that your officers are wearing cameras and under what circumstances they may be recorded. We advise public education through the press, your website, and social media accounts to inform the public generally. It is still important that officers contemporaneously notify people at the point of contact as they may not have seen the public resources, forgotten about them, or may be overwhelmed by the circumstances at hand. Of course, if the officer is responding to exigent circumstances, verbal notice may not be practical.

Consent inside the home or in sensitive circumstances: US law has always afforded the home heightened privacy protections. We recommend that your officers ask permission to record when entering a home under consensual situations.

Limited retention policies: One of the most important privacy protections for both the public and officers alike is short retention periods for information that is not flagged for long term storage. If the recording no longer exists, it can't be used to snoop on every day citizens, listen to officers' personal conversations, or be hacked from the outside. PERF found that on average, departments keep "non-evidentiary" video for 60-90 days, with at least one department saving such data for only 30 days.[8] This is consistent with ACLU recommendations.

We support keeping video longer in only a few situations: when there is use of force, when a contact results in an arrest or detention, and when an informal or formal complaint is filed.

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[6] PERF notes that many existing policies "indicate that when in doubt, officers should record." PERF Report at 13.
[7] There may be very limited circumstances where taping at such event is appropriate, but we oppose broad recording policies that would collect the identities and practices of individuals exercising their First Amendment rights.
[8] PERF Report at 17.

We look forward to working with you as you consider the use of body cameras. Please contact Michelle Richardson, Director of Public Policy at 786-363-2713 or mrichardson@aclufl.org with any questions.

Police Body-Mounted Cameras: With Right Policies in Place, a Win For All

October 9, 2013

By Jay Stanley

Download PDF version of the report (130KB)

I. Introduction
II. Control over recordings
III. Limiting the threat to privacy from cop cams

Introduction

When a New York judge found that the NYPD's stop and frisk tactics violated the constitutional rights of New Yorkers, one of the remedies she ordered was for the department to begin testing wearable police cameras, sparking debate and discussion of the technology there.

These "on-officer recording systems" (also called "body cams" or "cop cams") are small, pager-sized cameras that clip on to an officer's uniform or are worn as a headset, and record audio and video of the officer's interactions with the public. We have heard reports of police body cameras being deployed in numerous cities, and one prominent manufacturer told NBC that it had sold them to "hundreds of departments."

The ACLU has commented on police body cameras in the media several times over the years (and in stories surrounding the stop and frisk ruling), but the ACLU's views on this technology are a little more complicated than can be conveyed through quotes in a news story.

Although we generally take a dim view of the proliferation of surveillance cameras in American life, police on-body cameras are different because of their potential to serve as a check against the abuse of power by police officers. Historically, there was no documentary evidence of most encounters between police officers and the public, and due to the volatile nature of those encounters, this often resulted in radically divergent accounts of incidents. Cameras have the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse.

We're against pervasive government surveillance, but when cameras primarily serve the function of allowing public monitoring of the government instead of the other way around, we generally regard that as a good thing. While we have opposed government video surveillance of public places, for example, we have supported the installation of video cameras on police car dashboards, in prisons, and during interrogations.

At the same time, body cameras have more of a potential to invade privacy than those deployments. Police officers enter people's homes and encounter bystanders, suspects, and victims in a wide variety of sometimes stressful and extreme situations.

For the ACLU, the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but *only* if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance *of* the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.

On-officer cameras are a significant technology that implicates important, if sometimes conflicting, values. We will have to watch carefully to see how they are deployed and what their effects are over time, but in this paper we outline our current thinking about and recommendations for the technology. These recommendations are subject to change.

Control over recordings

Perhaps most importantly, policies and technology must be designed to ensure that police cannot "edit on the fly" — i.e., choose which encounters to record with limitless discretion. If police are free to turn the cameras on and off as they please, the cameras' role in providing a check and balance against police power will shrink and they will no longer become a net benefit.

The primary question is how that should be implemented.

Purely from an accountability perspective, the ideal policy for body-worn cameras would be for continuous recording throughout a police officer's shift, eliminating any possibility that an officer could evade the recording of abuses committed on duty. Of course, just as body cameras can invade the privacy of many innocent citizens, continuous deployment would similarly impinge on police officers when they are sitting in a station house or patrol car shooting the breeze — getting to know each other as humans, discussing precinct politics, etc. We have some sympathy for police on this; continuous recording might feel as stressful and oppressive in those situations as it would for any employee subject to constant recording by their supervisor. True, police officers with their extraordinary powers are not regular employees, and in theory officers' privacy, like citizens', could be protected by appropriate policies (as outlined below) that ensure that 99% of video would be deleted in relatively short order without ever being reviewed. But on a psychological level, such assurances are rarely enough. There is also the danger that the technology would be misused by police supervisors against whistleblowers or union activists — for example, by scrutinizing video records to find minor violations to use against an officer.

If the cameras do not record continuously, that would place them under officer control, which would create the danger that they could be manipulated by some officers, undermining their core purpose of detecting police misconduct. This has sometimes been an issue with patrol car "dashcams" — for example, in the case of two Seattle men who filed a claim for excessive force and wrongful arrest. Parts of the arrest were captured by a dashcam, but parts that should have been captured were mysteriously missing. And with body cams, two Oakland police officers were disciplined after one of the officers' cameras was turned off during an incident.

The balance that needs to be struck is to ensure that officers can't manipulate the video record, while also ensuring that officers are not subjected to a relentless regime of surveillance without any opportunity for shelter from constant monitoring.

One possibility is that some form of effective automated trigger could be developed that would allow for minimization of recording while capturing any fraught encounters — based, for example, on detection of raised voices, types of movement, etc. When it comes to dashcams, the devices are often configured to record whenever a car's siren or lights are activated, which provides a rough and somewhat (though not entirely) non-discretionary measure of when a police officer is engaged in an encounter that is likely to be a problem. That policy is not applicable to body cams, however, since there is no equivalent to flashing lights. And it's not clear that any artificial intelligence system in the foreseeable future will be smart enough to reliably detect encounters that should be recorded. In any case, it is not an option with today's technology.

If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public.

And this requirement must have some teeth associated with it — not only a risk of disciplinary action but also perhaps an exclusionary rule for any evidence obtained in an unrecorded encounter (for police who have been issued the cameras, unless there is an exigency to justify the failure to record). Another means of enforcement might be to stipulate that in any instance in which an officer wearing a camera is accused of misconduct, a failure to record that incident would create an evidentiary presumption against the officer.

Limiting the threat to privacy from cop cams

Most of the discussion around police recording has focused on its oversight potential. But that is only one of the significant interests implicated by recording. Equally important are the privacy interests and fair trial rights of individuals who are recorded. Ideally there would be a way to minimize data collection to only what was reasonably needed, but there's currently no technological way to do so.

Police body cameras mean that many instances of entirely innocent behavior (on the part of both officers and the public) will be recorded, with significant privacy implications. Perhaps most troubling is that some recordings will be made inside people's homes, whenever police enter — including in instances of consensual entry (e.g., responding to a burglary call, voluntarily participating in an investigation) and such things as domestic violence calls. In the case of dashcams, we have also seen video of particular incidents released for no important public reason, and instead serving only to embarrass individuals. Examples have included DUI stops of celebrities and ordinary individuals whose troubled and/or intoxicated behavior has been widely circulated and now immortalized online. The potential for such merely embarrassing and titillating releases of video is significantly increased by body cams.

Therefore it is vital that any deployment of these cameras be accompanied by good privacy policies so that the benefits of the technology are not outweighed by invasions of privacy. The core elements of such a policy follow.

Notice to citizens

Most privacy protections will have to come from restrictions on subsequent retention and use of the recordings. There are, however, a couple of things that can be done at the point of recording.

1. Recording should be limited to uniformed officers and marked vehicles, so people know what to expect. An exception should be made for SWAT raids and similar planned uses of force when they involve non-uniformed officers.
2. Officers should be required, wherever practicable, to notify people that they are being recorded (similar to existing law for dashcams in some states such as Washington). One possibility departments might consider is for officers to wear an easily visible pin or sticker saying "lapel camera in operation" or words to that effect.
3. Although if the preceding policies are properly followed it should not be possible, it is especially important that the cameras not be used to surreptitiously gather intelligence information based on First Amendment protected speech, associations, or religion.

Recording in the home

Because of the uniquely intrusive nature of police recordings made inside private homes, officers should be required to be especially sure to provide clear notice of a camera when entering a home, except in circumstances such as an emergency or a raid. Departments might also consider a policy under which officers ask residents whether they wish for a camera to be turned off before they enter a home in non-exigent circumstances. (Citizen requests for cameras to be turned off should themselves be recorded to document such requests.) Cameras should never be turned off in SWAT raids and similar police actions.

Retention

Data should be retained no longer than necessary for the purpose for which it was collected. For the vast majority of police encounters with the public, there is no reason to preserve video evidence, and those recordings therefore should be deleted relatively quickly.

- Retention periods should be measured in weeks not years, and video should be deleted after that period unless a recording has been flagged. Once a recording has been flagged, it would then switch to a longer retention schedule (such as the three-year period currently in effect in Washington State).
- These policies should be posted online on the department's website, so that people who have encounters with police know how long they have to file a complaint or request access to footage.
- Flagging should occur automatically for any incident:
  - involving a use of force;
  - that leads to detention or arrest; or
  - where either a formal or informal complaint has been registered.
- Any subject of a recording should be able to flag a recording, even if not filing a complaint or opening an investigation.
- The police department (including internal investigations and supervisors) and third parties should also be able to flag an incident if they have some basis to believe police misconduct has occurred or have reasonable

suspicion that the video contains evidence of a crime. We do not want the police or gadflies to be able to routinely flag all recordings in order to circumvent the retention limit.
- If any useful evidence is obtained during an authorized use of a recording (see below), the recording would then be retained in the same manner as any other evidence gathered during an investigation.
- Back-end systems to manage video data must be configured to retain the data, delete it after the retention period expires, prevent deletion by individual officers, and provide an unimpeachable audit trail to protect chain of custody, just as with any evidence.

Use of Recordings

The ACLU supports the use of cop cams for the purpose of police accountability and oversight. It's vital that this technology not become a backdoor for any kind of systematic surveillance or tracking of the public. Since the records will be made, police departments need to be subject to strong rules around how they are used. The use of recordings should be allowed only in internal and external investigations of misconduct, and where the police have reasonable suspicion that a recording contains evidence of a crime. Otherwise, there is no reason that stored footage should even be reviewed by a human being before its retention period ends and it is permanently deleted.

Subject Access

People recorded by cop cams should have access to, and the right to make copies of, those recordings, for however long the government maintains copies of them. That should also apply to disclosure to a third party if the subject consents, or to criminal defense lawyers seeking relevant evidence.

Public Disclosure

When should the public have access to cop cam videos held by the authorities? Public disclosure of government records can be a tricky issue pitting two important values against each other: the need for government oversight and openness, and privacy. Those values must be carefully balanced by policymakers. One way to do that is to attempt to minimize invasiveness when possible:

- Public disclosure of any recording should be allowed with the consent of the subjects, as discussed above.
- Redaction of video records should be used when feasible — blurring or blacking out of portions of video and/or distortion of audio to obscure the identity of subjects. If recordings are redacted, they should be discloseable.
- Unredacted, unflagged recordings should not be publicly disclosed without consent of the subject. These are recordings where there is no indication of police misconduct or evidence of a crime, so the public oversight value is low. States may need to examine how such a policy interacts with their state open records laws.
- Flagged recordings are those for which there is the highest likelihood of misconduct, and thus the ones where public oversight is most needed. Redaction of disclosed recordings is preferred, but when that is not feasible, unredacted flagged recordings should be publicly discloseable, because in such cases the need for oversight outweighs the privacy interests at stake.

Good technological controls

It is important that close attention be paid to the systems that handle the video data generated by these cameras.

- Systems should be architected to ensure that segments of video cannot be destroyed. A recent case in Maryland illustrates the problem: surveillance video of an incident in which officers were accused of beating a student disappeared (the incident was also filmed by a bystander). An officer or department that has engaged in abuse or other wrongdoing will have a strong incentive to destroy evidence of that wrongdoing, so technology systems should be designed to prevent any tampering with such video.
- In addition, all access to video records should be automatically recorded with immutable audit logs.
- Systems should ensure that data retention and destruction schedules are properly maintained.
- It is also important for systems be architected to ensure that video is only accessed when permitted according to the policies we've described above, and that rogue copies cannot be made. Officers should not be able to, for example, pass around video of a drunk city council member, or video generated by an officer responding to a call in a topless bar, or video of a citizen providing information on a local street gang.

It is vital that public confidence in the integrity of body camera privacy protections be maintained. We don't want crime victims to be afraid to call for help because of fears that video of their officer interactions will

become public or reach the wrong party. Confidence can only be created if good policies are put in place and backed up by good technology.

As the devices are adopted by police forces around the nation, studies should be done to measure their impact. Only very limited studies have been done so far. Are domestic violence victims hesitating to call the police for help by the prospect of having a camera-wearing police officer in their home, or are they otherwise affected? Are privacy abuses of the technology happening, and if so what kind and how often?

Although fitting police forces with cameras will generate an enormous amount of video footage and raises many tricky issues, if the recording, retention, access, use, and technology policies that we outline above are followed, very little of that footage will ever be viewed or retained, and at the same time those cameras will provide an important protection against police abuse. We will be monitoring the impact of cameras closely, and if good policies and practices do not become standard, or the technology has negative side effects we have failed to anticipate, we will have to reevaluate our position on police body cameras.

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MDPD Departmental Manual, Chapter 15-Part 4-Complaint, Counseling, and Discipline

CHAPTER 15 - PART 4 - COMPLAINT, COUNSELING, AND DISCIPLINE

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CHAPTER 15 - PART 4 - COMPLAINT, COUNSELING, AND DISCIPLINE

SECTION 1 - GENERAL

I. BACKGROUND:

Proper complaint, counseling, and disciplinary guidelines are essential to efficient and orderly achievement of the Miami-Dade Police Department's (MDPD) mission. Departmental employees must remain cognizant of the departmental complaint process, the purpose of counseling and discipline, and their applications; and procedures governing complaints made to the Office of the Inspector General (OIG). Knowledge of the steps involved in administering such processes should promote improved uniform application of the concepts which are aimed at maintaining proper employee conduct.

A recognition program for rewarding employees or units for a specific heroic act, meritorious service, or attainment of an extraordinarily high standard of proficiency, has been established. For specific procedures in granting rewards, refer to **Recognition Program**.

II. POLICY: {CALEA 26.1.4c,d}

A departmental goal is to maintain professional standards of conduct for employees while remaining responsive to the citizens of Miami-Dade County. The philosophy of the Department is to utilize counseling techniques whenever possible to train or guide employees. Imposition of discipline becomes necessary when such counseling fails to rectify improper action or the employee commits a pronounced deviation.

It is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against employees. The Department has the responsibility to seek out and discipline those whose conduct is illegal, discredits the Department, or impairs effective operation. Rights of the employee and the public must be preserved, and any investigation or hearing arising from a complaint shall be conducted in an open and fair manner with truth as its primary objective. When directed by the designated departmental authority, employees are required to make sworn statements during the course of an administrative investigation or inquiry. The Department shall investigate all complaints against the Department or its employees to final disposition.

Employees who refuse to answer questions relating to the performance of their official duties or continued fitness for duty, will be subject to departmental charges which could result in dismissal from MDPD.

SECTION 2 - COUNSELING AND DISCIPLINE MANAGEMENT

I. GENERAL:

A. Authority:

Code of Miami-Dade County, Florida, Section 2-42, Rules; Section 2-47, Suspension, Dismissal, Reduction in Grade, and Appeals; County Administrative Order 7-3, Disciplinary Action; Miami-Dade County Personnel Rules, Chapter VIII (Annex A).

B. Complaints:

An impartial investigation of complaints will allow the concerned supervisor to make an objective review and appropriate disposition. After disposition is determined, the supervisor shall initiate counseling or administer disciplinary action when appropriate. {CALEA 26.1.5; 52.1.1a}

C. Confidentiality:

All documentation relating to complaints will be transmitted in a sealed envelope clearly marked TO BE OPENED BY ADDRESSEE ONLY. The marking will be placed in a conspicuous location on the face of the envelope and on the envelope flap. Excluding the Director and Professional Compliance Bureau (PCB) Commander, addressees receiving a properly marked envelope which is unsealed will notify the sender and PCB in writing within 48 hours.

D. Counseling:

Supervisors are responsible for counseling employees when necessary to improve performance. Neither informal nor formal counseling are considered disciplinary action. {CALEA 26.1.4b; 26.1.5}

E. Discipline:

An action initiated and administered by supervisors when positive corrective measures designed to train or effect behavior change are unsuccessful in attaining satisfactory employee performance; or action initiated and administered by supervisors when an employee commits a pronounced deviation regarding a rule, order, directive, or procedure. {CALEA 26.1.4c; 26.1.5}

Allegations of improper employee conduct shall be investigated for the following purposes:

1. To afford protection to employees falsely accused and to identify those who would blemish the professional image.

2. To instill confidence in each employee that, while the proper performance of duty is mandatory, due recognition of the employee's rights will be assured.

3. To provide the means whereby complaints that involve an employee will be evaluated and appropriate action initiated.

An employee is subject to disciplinary action for the commission of any act which is prohibited or for noncompliance with any activity that is required.

Administration of disciplinary action shall be in accordance with Miami-Dade County Personnel Rules and departmental directives.

When the concerned supervisor becomes aware of an impending suspension, termination, or resignation, the Personnel Management Bureau (PMB) will be notified immediately via telephone and written confirmation submitted as required by Miami-Dade County Personnel Rules and departmental directives.

F. Supervisory Discretion:

The appropriate level of counseling or the degree of discipline administered must be fair and objective. Although informal counseling may ordinarily precede formal, the final level of counseling or initiation of the disciplinary process remains with the supervisor. {CALEA 26.1.5}

G. Administration of Discipline: {CALEA 26.1.4c; 26.1.5}

One of the primary tasks of a commanding officer is administration of discipline. Discipline can be positive or negative; it may involve encouragement, inspiration, training, or imposition of negative sanctions. The immediate purpose is channeling of individual effort into effective and productive action.

The exercise of positive discipline requires foresight and planning rather than merely reaction. It involves an evaluation of the human factor which, when combined with proper training, motivation, and recognition of individual and group effort, results in self-discipline.

The exercise of negative discipline may range from a warning, where the immediate effect is on the individual, to termination, where the positive result derived is in the reassurance of other employees as to unacceptable limits of conduct. In each case, care must be exercised to make the proper choice of obtaining a desired and just result.

In the administration of discipline, a commanding officer must consider the totality of circumstances surrounding an allegation of misconduct. Decisions must consider the individual's interest as well as the probable effect upon attainment of departmental objectives.

To be effective, discipline must not only be fair in its application, it must also follow within a reasonable time the act which it is intended to correct. Therefore, there must be prompt resolution of disciplinary cases.

H. Professional Consultation:

Supervisors should review **Psychological Services**, which establishes referral procedures to Psychological Services Section. Supervisors are encouraged to consult with Psychological Services Section staff for assistance in assessing observable performance problems. {CALEA 26.1.5}

I. Documentation: {CALEA 26.1.5}

Documentation by supervisors of incidents, acts, or behavior is essential.

1. Unsatisfactory work habits must be recorded by supervisors.

2. Employee performance reports or evaluations must note unsatisfactory performance and be indicative of

the behavior exhibited. Evaluations indicating unsatisfactory performance are required in order to dismiss for incompetence or inefficiency.

3. Record keeping must identify dates, times, and circumstances. Formal counseling directed to employees by supervisors must be recorded. Supervisors are encouraged to maintain personal records of informal counseling. The concerned employee shall be notified when such data is being retained.

4. Pattern of behavior or course of conduct can only be established through supportive and documented record-keeping procedures. The documentation should include all observed incidents, informal/formal actions, and performance reports.

J. Personnel Profile Information: {CALEA 26.1.5}

A Preliminary Complaint Report (PCR) (Annex B) will be completed by the immediate supervisor of each employee named or identified as a principal in a Personnel Complaint (PC) or Internal Affairs (IA) investigation. As many as three employees from the same district/bureau may be described, but not identified by name, on the same sheet. The immediate supervisor shall sign legibly on the line marked investigator. Each superior in the chain-of-command shall affix his initials indicating a review of the document for completeness. The data sheet is a management tool utilized in examining the complaint process and in formulating policy relative to identified problem areas. All data items will be completed by referring to the employee's personnel file or other sources, as appropriate. The PCR shall be reviewed and signed by the corresponding District and/ or Bureau Commanders prior to submittal to the Professional Compliance Bureau.

K. Citing Violation:

Supervisors who administer discipline must identify each instance of contrary performance and cite the appropriate Miami-Dade County or departmental rule, order, directive, or procedure that establishes the proper performance standard. All violations cited will be written in their entirety on the appropriate disciplinary report.

L. Course of Conduct:

Prior documented incidents should be examined to determine if a particular course of conduct is forming or has formed. Concerned employees will be informed when a particular course of conduct has been identified. Constructive or corrective steps will be initiated to assist the employee in becoming aware of the conduct and preventing its recurrence.

A subsequent complaint alleging the noted behavior will be scrutinized thoroughly by the concerned supervisor. The identified course of conduct will be considered in the determination of disciplinary action when the complaint is sustained.

M. Employee History:

The appropriate report listing the discipline administered must also indicate that the employee's prior performance record has been reviewed and considered in the final determination.

N. Hearing Examiner/Appeals:

Supervisors are responsible for the entire disciplinary process. Disciplinary action may result in the employee appealing the action to a County Hearing Examiner. At this stage, it is incumbent upon the supervisor to have all applicable supportive material available and to be prepared to testify in support of the action. Supervisors must ensure that departmental witnesses and evidence are made available to the Assistant County Attorney representing the Department.

O. Bargaining Agreements:

Supervisors will be knowledgeable of the contents and applicability of collective bargaining agreements between Miami-Dade County and employees.

P. Law Enforcement Officers' Rights:

Supervisors shall be aware of the content and applicability of Law Enforcement Officers' Rights (Annex C) and adhere to its conditions.

Q. Discussing Complaints:

Nothing in these procedures shall be construed to prohibit a person from discussing any aspect of a complaint against a law enforcement officer with his attorney, or, in the case of a departmental employee, with a bargaining unit representative.

R. Complaint, Discipline, and Firearms Discharge Investigation Reference Charts (Annex D):

To be used only as a general reference. More specific information is contained in the narrative portion of this standard operating procedure.

S. Time Requirements:

Unless otherwise noted all stated time requirements are calendar days.

II. RELIEF FROM DUTY: {CALEA 26.1.5; 52.1.8}

A. Authority:

Any supervisor may temporarily relieve a departmental employee from duty to prevent embarrassment, liability, or discredit to the Department. The relieving supervisor shall discuss such action with the PCB Commander in advance unless emergency circumstances exist which necessitate immediate action. In this case, notification shall be made the following business day. Relief from duty is with pay.

B. Procedures:

Supervisors who relieve an employee from duty will cause the following to be accomplished:

1. In the event an employee is relieved of duty while under investigation by the PCB, or is relieved by any supervisor pending disciplinary or other administrative action, the relieving supervisor will immediately contact the PCB and advise the assigned investigator or duty sergeant of any action taken.

2. Should the relieving supervisor be from outside the employee's regular command, the appropriate supervisor will be notified by the most expeditious means.

3. An employee relieved from duty, regardless of reason or duration, will relinquish the departmentally-issued firearm, badge, and identification card as well as any additional MDPD badges purchased or possessed by the employee. These items will be stored in a command level office of the relieving supervisor or in the Property and Evidence Section ~~Bureau~~. The relieved employee will also be instructed that he is prohibited from carrying or displaying any duplicate badge or other identification that may identify the employee as a police officer. The relieving supervisor will, as soon as is practicable, prepare a Receipt of Departmental Property memorandum (Annex E) for the affected employee's signature certifying relief from duty and receipt of departmental property. The employee will be given the original; a copy will be placed in the employee's personnel file at the unit of assignment; a copy to PCB; and a copy to the PMB Commander. If the items are stored in the Property and Evidence Section ~~Bureau~~, the employee will also be given his copy of the departmental Property Receipt form. Upon return of departmental property to the affected employee, the concerned supervisor will prepare a Return of Departmental Property memorandum (Annex F), which is distributed the same as Annex E.

4. When the relieved employee is an officer in uniform, the relieving supervisor will ensure that the relieved employee is escorted or transported to his residence by a supervisor senior in rank to the relieved officer.

5. A detailed memorandum will be forwarded to the Director through the relieving supervisor's chain-of-command within 12 hours following such event, with copies to the employee's organizational unit of assignment, the PCB, and the PMB. Include the PCB case number in the memorandum if an employee is relieved from duty as a result of a PCB investigation.

6. An employee relieved from duty for extended periods pending completion of an investigation or formal disciplinary action shall be administratively assigned to hours and days off that benefit the Department. Such employee will be expected to perform job-related obligations; e.g., court attendance, appearance in connection with departmental investigations, and other official matters.

   Employees relieved from duty (arrest powers suspended) but working a regular shift, regardless of work location, shall be entered on the Payroll and Attendance Records (PAR) in accordance with established procedures.

7. An employee relieved from duty, and not permitted to work, shall remain at their residence during normal departmental office hours and shall check in with their unit of assignment twice daily. A supervisor shall also contact the relieved employee once during the shift by a random, unannounced visit or telephone contact.

   a. The use of code "R" on the PAR will be utilized for employees relieved from duty and not permitted to work.

   b. The bureau/district commander who initiates the relief from duty shall attach a copy of the relief from duty memorandum to each payroll document during the period of relief if the employee is required to remain at home.

8. Employees relieved from duty will be entitled to the clothing allowance approved prior to relief from duty. Based upon the nature of work being performed, relieved personnel may qualify for other than the standard uniform allowance.

9. If it is revealed through investigation that the relieved employee is to have an information filed against him or be indicted, disciplinary action procedures delineated in Section 4, Counseling and Disciplinary Actions, will be followed.

10. The immediate supervisor of the relieved officer will contact the assigned investigator of the PCB or duty sergeant within twenty-four hours of any changes in the officer's status; e.g., reinstatement, automatic suspension, or termination.

11. Prior to the reinstatement of an officer who has been relieved of duty, the officer's immediate supervisor will forward an action memorandum (Annex G) to the concerned division chief, assistant director, or the Director for approval, including a review by the PCB Commander, PMB Commander, and the Director for memorandums that were submitted to a division chief or an assistant director. Offices reporting to the Director will forward the memorandum through the prescribed routing to him. This memorandum should include any and all restrictions placed upon the reinstated officer; e.g., not being allowed to operate a County vehicle, exercise police powers of arrest, carry a firearm, or other designated limitations. Signed copies of all status changes; e.g., reinstatement, automatic suspension, or termination will be forwarded to the PCB.

C. Restrictions:

An employee relieved from duty will not carry a concealed firearm, carry or display any duplicate badge or other identification indicating he is a police officer, represent himself as a police officer in any situation, or perform in any official law enforcement capacity except by subpoena or court order.

III. DEPARTMENTAL DISCIPLINE COORDINATOR:

A. Function:

The Departmental Discipline Coordinator (PMB Commander) will provide liaison with other County entities involved in the disciplinary process including, but not limited to, the County Attorney's Office and the Director, Miami-Dade County Employee Relations Department. The Departmental Discipline Coordinator will be aware of all the processes involved in administration of discipline and the applicable rules, orders, directives, and procedures. The Departmental Discipline Coordinator will establish a working relationship with all departmental elements involved in the disciplinary process. The information provided to these elements by the Departmental Discipline Coordinator will lead to a more uniform application of discipline within the Department.

B. Scope of Responsibilities:

The Departmental Discipline Coordinator is available for consultation with command-level personnel to discuss the appropriate discipline to be imposed for a specific incident where the disposition has already been determined. When requested by a lieutenant or higher ranking supervisor, or section supervisor when a lieutenant is not assigned to the concerned element in the chain-of-command, the Departmental Discipline Coordinator will determine the status of pending disciplinary actions. Additionally, the Departmental Discipline Coordinator:

1. Does not have the authority to change degree of discipline recommended.

2. Issues control numbers for records of counseling and disciplinary actions to designated captains, first lieutenants, or bureau administrative lieutenants.

3. May review PCB files pertaining to the referenced matter when it is deemed necessary.

4. May refer the concerned supervisor to the Police Legal Bureau (PLB) or the County Attorney's Office for review and recommendations.

5. Apprises the Director via memorandum of the status or progress of disciplinary actions that are under appeal or that may develop into an appeal.

6. Makes observations or recommendations to the Director concerning any modification or improvement in disciplinary procedures and practices as well as needed training based upon trends or tendencies which have been identified.

7. Ensures that a command-level officer from the employee's chain-of-command at the time of the incident is appointed as the Departmental Appeal Hearing Monitor to represent the Department in the appeal process.

8. Monitors sensitive cases that may affect future policies or actions and will make appropriate recommendations for change.

IV. DEPARTMENTAL APPEAL HEARING MONITORS:

A. Duties and Responsibilities:

1. Upon receipt of notification of a pending appeal hearing from the County Attorney's Office, the Departmental Discipline Coordinator will notify the concerned employee's commander via memorandum. The concerned commander will assign a lieutenant as the Departmental Appeal Hearing Monitor. Should the concerned element not have a lieutenant available to serve as a Monitor, one will be appointed by the concerned element's assistant director. In cases where the office reports to the Director, the concerned element commander and the PMB Commander will coordinate selection of a lieutenant, subject to approval of the Director. Monitors should not be a witness or have participated in recommending or imposing discipline. The Departmental Discipline Coordinator, or designee, will coordinate all scheduling with the County Attorney's Office, and will also notify the PCB Commander of the pending appeal.

2. Monitors will:

   a. Obtain the disciplinary appeal file or, if none exists, establish one. The file should include the DAR, notification letter, copy of applicable violations cited as in effect at the time the discipline was awarded, witness list, and general notes which will assist the County Attorney's Office in preparing and presenting the case. Various notes to file need not be typed if they are legible and the meaning is understandable when reviewed by others. Special attention should be given to obtain photocopies of the actual authentication page or pages of the particular violation cited from the published document in effect at the time of the incident.

   b. Obtain official addresses of any non-departmental witnesses, if not already recorded, in the event that witness subpoenas must be requested.

   c. Establish close liaison with the PMB Commander, or designee, and the Assistant County Attorney assigned to the appeal case, and remain the contact person throughout the appeal procedure.

   d. Assist in assembling departmental witnesses for pre-hearing conferences and the actual hearing.

   e. Assure that the PMB Commander is notified of any hearing date, time change, or other relevant information that may develop during the appeal process.

   f. Assist the Assistant County Attorney with policy, procedure, and possible questions on direct, cross, or rebuttal examination during the hearing.

g. Prepare an after-action report which will detail any discrepancies between actual testimony and prior statements that are on departmental record. The report should include attitude and demeanor of departmental witnesses, and should indicate if a pre-hearing briefing was conducted. The report, accompanied by the Disciplinary Appeal File, should be in the PMB Commander's office within seven days of the close of the hearing.

3. The completeness of the Disciplinary Appeal File is important should the case later be appealed to the courts. The appointed Monitor is the primary source of information for the County Attorney's Office.

V. COMPLAINT AND DISCIPLINARY ACTION MONTHLY AND ANNUAL REPORTS:

Professional Compliance Bureau: PCB will provide a monthly statistical analysis report based on internal affairs investigations to the Director. PCB will provide the Director with an annual statistical summary report of its investigative activities. A copy of the annual report will be provided to the assistant directors and division chiefs, and made available for dissemination to departmental employees and the public. {CALEA 52.1.11}

SECTION 3 - COMPLAINTS

I. COMPLAINTS MADE TO THE OFFICE OF THE INSPECTOR GENERAL:

Investigations are initiated by the OIG upon receipt of credible information alleging any act of fraud, waste, financial mismanagement, or corruption within the OIG's jurisdiction. Audits and investigations are confidential.

A. Authority and Responsibility:

The Board of County Commissioners created the OIG to detect and investigate allegations of fraud, waste, mismanagement, and abuse of power in County projects, programs, or contracts (refer to the Code of Miami-Dade County, Sec. 2-1076). The OIG has the authority to review past, present, and proposed County and Public Health Trust programs, accounts, records, contracts, and transactions. The OIG can subpoena witnesses and require the production of documents. Any records released to the OIG will be released in accordance with the provisions of Florida Statutes, Chapter 119, Public Records.

B. Notifications:

Employees who learn of an investigation or inquiry into the operations and activities of the Department or its employees by the OIG will provide any necessary assistance, and will immediately notify their supervisor. The concerned element commander or designee will assist the OIG, make inquiries as to the nature and scope of the investigation, and immediately report such investigation to the Director's Office, the PCB, and PLB.

C. Procedures:

The PCB will effect liaison with the OIG to provide assistance and support. Investigators from PCB will not participate in any questioning or interrogation of departmental employees without approval from the Major of PCB. Completed OIG investigations will be reviewed by the PCB Major to determine if PCB investigation is warranted.

II. DEPARTMENTAL COMPLAINT PROCESS:

A. Authority and Responsibility: {CALEA 52.1.1b}

PCB is responsible for coordinating the entire departmental complaint process. PCB is directly responsible for classifying and investigating complaints, and assists other elements of the Department in the process of receiving complaints and routing completed investigative files through the complaint disposition process. First line supervisors will not investigate complaints against MDPD employees. {CALEA 52.1.1a}

B. Internal Investigations:

Employees shall answer or render material and relevant sworn statements to the designated departmental authority when so directed. Employees shall answer all questions honestly, completely, and to the best of their ability. No employee shall, in any manner, interfere with an internal investigation.

When conducting an internal investigation, PCB investigators are not required to sign receipts for copies of documents or reports received from any departmental element.

C. Classification: {CALEA 52.1.1c}

PCB will classify complaints as an Internal Affairs (IA), a Personnel Complaint (PC), a Shooting Investigation (SI), or a General Investigation (GI) based upon the following criteria:

1. IA Complaint - Allegations of violations of law or major violations of departmental policies, rules, or procedures, including, but not limited to:

   a. Commission of a crime

   b. Immorality

   c. Violation of narcotic drug laws

   d. Acceptance of a bribe, gratuity, or other illegal compensation

   e. Malfeasance in office

   f. Criminal assault

   g. Theft

   h. Release of confidential information without authority

   i. Official misconduct

   j. Intoxication

   k. Unauthorized use of physical force

   l. Sexual harassment

   m. Unnecessary or unlawful injury to a prisoner

   n. Employee substance abuse

   o. Other acts of a serious nature

2. PC: Allegations of discourtesy, or other lesser violations of Miami-Dade County or departmental policies, rules, or procedures.

3. Shooting Investigation (SI): Refers to investigations meeting one of the below criteria:

   a. Contact firearm discharge.

   b. Non-contact firearm discharge.

   c. Firearm discharge involving animals.

4. General Investigation (GI): Refers to Internal Affairs investigations in which no subject employee has been identified, and the case remains open pending further leads.

D. Notification:

The Director will be notified immediately by the PCB Commander when a complaint of a serious nature has been received against the Department or one of its employees. Complaints of a serious nature include, but are not limited to, unauthorized use of physical force resulting in serious injury, or the arrest of a departmental employee. The PCB Commander will notify the Director of any less serious complaints during regular weekly briefings. {CALEA 52.1.3}

III. COMPLAINT PROCEDURES:

A. Acceptance of Complaints:

Complaints against any MDPD employee will be accepted at all departmental facilities, from any source,

regardless of the location of the alleged occurrence:

1. Upon initial contact with a complainant, the district commander or command officer of like authority (or their designated subordinate supervisors) may determine that the complaint meets criteria for a PC. In these instances, the case may be resolved at the command level and, at the discretion of the concerned commander, no other action may be required; i.e., no complaint case number need be obtained.

2. When the complaint classification requires action mandated by departmental policies or procedures, the applicable directives should be explained to the complainant.

3. If the complaint cannot be reconciled at the district level, or if a determination is made that the complaint meets criteria for an IA complaint, the standard complaint procedure (Paragraph C, below) will be utilized. {CALEA 52.1.1b,c}

B. Anonymous Complaints:

The fact that a complainant refuses to identify himself or that the complaint is received from an anonymous source will not preclude recording and forwarding the complaint to the PCB for review, classification, and assignment.

C. Processing Complaints: {CALEA 52.1.1b,c}

Whenever a complaint against an MDPD employee is received, the following will apply:

1. Complaints received in person at the Headquarters Building:

   a. If during normal business hours, and the subject employee is assigned to the Headquarters Building, the complainant will be referred to the subject employee's place of assignment.

   b. If the subject employee's place of assignment is at other than the Headquarters Building, or is unknown, the complainant will be referred to the Police Headquarters Section for recording.

   c. During other than normal business hours, an on-duty supervisor from Doral Station will respond to the Headquarters Building to receive and record the information from the complainant.

2. The information will be recorded on the Preliminary Complaint Report (Annex B) by a supervisor who will determine the urgency for follow-up action. If the concerned employee's supervisor is available at the time the complaint is received, he will personally respond and receive the information from the complainant. If the concerned employee's supervisor is not available, any supervisor within that employee's element will respond, and record the complaint information. If a supervisor is not available to record the complaint, any supervisor may authorize a non-supervisory employee to record the complaint. If a non-supervisory employee records the complaint, a supervisor will review the complaint to determine the urgency for follow-up action.

   The completed complaint report will be forwarded through prescribed channels to PCB in a sealed envelope clearly marked TO BE OPENED BY ADDRESSEE ONLY, in a conspicuous location on the face of the envelope and on the envelope flap.

   a. After 11 p.m. daily, and on weekends and holidays, the concerned supervisor will request the Communications Bureau Shift Commander to notify the on-call PCB Duty Officer if the complaint is of a classification (see Section 3.I.C.1., Classification) normally investigated by PCB.

   b. The PCB representative will, at the time of assigning a complaint case number, evaluate the seriousness of the complaint. Unless immediate action is deemed appropriate, he will direct submission of the complaint report through prescribed channels.

   c. The complainant will be advised that he will receive a letter from PCB acknowledging his complaint and informing him that upon conclusion of the investigation, information relative to the findings and disposition will be available. {CALEA 52.1.5a-c}

3. If the complainant registers the complaint in person, he will be afforded an opportunity to review and sign the Preliminary Personnel Complaint Report and to provide a sworn written statement. A copy of the complaint report will be given to the complainant if requested. The original will be placed in a properly

marked sealed envelope and forwarded immediately to PCB by the most expeditious means.

4. If the complaint is received by telephone, the original complaint report will be placed in a properly marked sealed envelope and forwarded immediately to PCB by the most expeditious means.

5. Complaints received by mail shall be forwarded immediately to PCB for review, classification, and investigation. PCB will advise the complainant that upon conclusion of the investigation, information relative to findings and disposition will be available.

6. A case number will be assigned by PCB when the completed Preliminary Complaint Report is received.

D. Employee Restrictions:

An employee having knowledge of or involved as a subject or witness in a complaint shall not:

1. Independently participate in the investigation.

2. Be present during any investigative contact with the complainant or complainant's witnesses.

3. Contact the complainant or complainant's witnesses concerning the allegations.

4. Disclose or discuss the existence or facts of a complaint with anyone except designated departmental authorities conducting the investigation.

Nothing in these procedures shall be construed to prohibit an employee from discussing any aspect of a complaint with his attorney or bargaining unit representative.

IV. CONTRACT WRECKER COMPLAINTS:

A. General Types of Complaints:

The following complaints alleging misconduct or violations by wrecker companies under contract to MDPD will be investigated by the Property and Evidence ~~Bureau~~, Section Vehicle Research Unit:

1. Damage to vehicle

2. Overcharging

3. Failure to respond to call

4. Refusal to release vehicle

5. Other complaints directed specifically against the wrecker companies under contract to MDPD.

B. Processing of General Types of Complaints:

Upon receipt of a general type of complaint, notify the Vehicle Research Unit, and forward a detailed memorandum to the ~~Property and Evidence Bureau~~ Forensic Services Bureau Commander.

1. The complainant should be provided with contact information for the Vehicle Research Unit.

2. The Vehicle Research Unit Sergeant will conduct an investigation and prepare a report using procedures and format specified in the Property and Evidence ~~Bureau~~ Section Standard Operating Procedure.

C. Complaints of Theft From Towed Vehicles:

Complaints alleging theft from towed vehicles will be referred to the departmental district or municipality in which the alleged theft occurred.

1. Any such alleged thefts will be investigated by concerned district or municipality, consistent with normal theft investigative procedures.

2. The Vehicle Research Unit will be notified of any allegation of theft and the disposition of the case.

D. Complaints Against Departmental Employees:

Complaints directed against departmental employees alleging misconduct, discourtesy, improper release or unnecessary towing of vehicles, or other more serious type complaints shall be processed as described under Complaint Procedures. The Vehicle Research Unit will initiate the proper notification when investigation of a wrecker service complaint reveals a complaint against departmental employees.

V. INVESTIGATIONS AND CASE DISPOSITIONS: {CALEA 52.1.9}

A. General:

1. PCB will investigate both IAs and PCs in accordance with the Departmental Manual and the PCB SOP. IA and PC investigations are limited to fact finding; case dispositions will be made by designated command or supervisory personnel.

2. Allegations of such a nature that formal investigation is not appropriate are documented in a Memorandum to File prepared by the concerned PCB investigator and approved by the PCB Commander. There is no further investigative activity concerning the complaint.

B. Determining Disposition:

When determining disposition of allegations contained in either PC or IA investigations, the following classifications will be utilized:

1. Not Sustained: There is insufficient evidence to prove or disprove the allegation.

2. Exonerated: The incident occurred, however, employee actions were justified, lawful, and proper.

3. Unfounded: The complainant admits to making a false allegation, the accused employee was not involved in the incident, or the incident did not occur.

4. Sustained: The allegation is supported by sufficient evidence to indicate that the employee committed one or more of the alleged acts.

5. Sustained (other): The investigation revealed that the employee committed a violation other than the original allegation(s).

   Each other finding must list a classification and have an incident violation cited.

6. Policy Failure: The allegation is true, but the employee was acting in a manner consistent with departmental policy, necessitating a review and revision of the policy as written.

   A finding of Policy Failure must clearly detail how the policy is incorrect and include recommendations for correcting the policy in accordance with **The Directive System**.

C. Internal Affairs Complaint Disposition Panels:

The PCB Commander will maintain a list of Disposition Panels comprised of departmental command level officers, with the rank of major or higher, selected at the direction of the Director. Bureau commanders assuming duties as an acting division chief for a period exceeding one week, will serve on the respective disposition panel.

The Chairperson of each panel will be rotated between its respective panel members with each successive case assigned to that particular panel.

The disposition of IA cases will be conducted and prepared by disposition panel members only. IA files will not be delegated to anyone below the rank of major. If a disposition panel chairperson will be unavailable for an extended period, a trace extension can be requested from PCB, or another panel member will be designated as the panel chairperson by the concerned chief or higher ranking authority.

D. Disposition Panel Procedures:

Upon completion of an IA complaint investigation, the PCB Commander will assign the case to a Disposition Panel on a rotational basis. Except when a panel member is in the accused employee's chain-of-command, the normal rotation of panels will not be altered.

1. Authority of Disposition Panel: The panel will review the investigative file to determine sufficiency of evidence supporting the allegation against an employee. If the panel feels further investigation is required, the file will be returned to PCB with documented reasons.

2. Investigation review: Review of IA case files received by the Disposition Panel will include, but not be limited to the following:

   a. Examine reports, documents, photographs, and evidence.

   b. Review formal statements and other information of record.

   c. Review investigator's summary sheet and final findings of fact.

3. Panel review: Panel members will discuss cases as necessary to render a final disposition. PCB investigators who conducted the investigation will be made available at any step in the process to discuss the investigation with panel members.

4. Determining disposition: The Disposition Panel will make a disposition, based on a majority vote of the Panel, by classification of each allegation in accordance with Section 3.IV.B., above.

5. Panel findings: The Panel Chairperson will ensure that the findings of the Panel are documented in writing. In contact (person) shootings or death in custody cases where there are no allegations, a Contact (Person) Shooting/Death in Custody Internal Affairs Case (Number) disposition memorandum (Annex H) will be prepared. All other case findings will be documented using a Disposition of Internal Affairs Case No. memorandum (Annex I). Each allegation enumerated in the IA Investigation Summary will be listed and the corresponding incident violation cited. For each allegation/violation, there will be a disposition based on the findings of the investigation. The original memorandum remains with the case file.

   If multiple employees are included in an allegation or investigation, the disposition shall specify how it applies to each employee.

   If the panel identifies incident violations other than the initial allegation(s), each other violation must have an incident violation cited, and list a classification.

   The panel will also present documentation concerning the need to change departmental policies, rules, or procedures when appropriate.

   The Disposition Panel may sustain criminal violations of law only in those cases where the subject employee has been found guilty after a criminal trial, has entered a plea of guilty or nolocontendere to the filed charges, or where the prosecuting authority has declined to prosecute and indicated that although the facts presented constituted a prosecutable case, the case would be more appropriately handled administratively. In all other circumstances, those facts which comprise the elements of the alleged criminal violation can form the basis only for a sustained administrative violation.

   Criminal law violations may also be sustained in those cases where criminal charges are pending but have yet to be resolved at trial or where the employee has been placed into a pre-trial diversionary program that has yet to conclude. Criminal violations may not be sustained where the employee has successfully completed a pre-trial diversionary program and the pending criminal charges have been dropped.

6. Investigation and Case Disposition form (Annex J): The Disposition Panel chairperson will ensure that an Investigation and Case Disposition form is prepared after the Disposition of Internal Affairs Case No. memorandum or the Contact (Person) Shooting/Death in Custody Internal Affairs Case (Number) disposition memorandum has been completed.

7. Transmittal of investigative file: When the Disposition Panel Chairperson has finished with the investigative file and the Investigation and Case Disposition form has been prepared, the completed Disposition of Internal Affairs Case No. memorandum or the Contact (Person) Shooting/Death in Custody Internal Affairs Case (Number) disposition memorandum will be attached to the Investigation and Case Disposition form and forwarded together in a properly marked sealed envelope to the PCB. The PCB will

prepare a transmittal slip and route the file to the subject employee's division chief, at the time the incident occurred or, for elements not reporting to a division chief, the concerned assistant director; or the Director.

If personnel from more than one element are involved, the file will be routed in a properly marked sealed envelope to the commander of each element for review and appropriate action by the concerned chief, assistant director, or the Director.

a. Should questions arise as to the findings of the Disposition Panel, the investigative file accompanied by a memorandum of explanation may be returned, via PCB, to the Panel for clarification.

b. If an allegation is sustained by the Panel, the concerned commander will be responsible for administering or recommending appropriate corrective/disciplinary action. In accordance with Section 4, the appropriate disciplinary action documentation will be routed with the investigative file.

(1) A Review of Disciplinary Action memorandum (Annex K) indicating review of the file and DAR Flow Sheet (Annex L) will be forwarded with the investigative file, via the normal chain-of-command, to the PLB, the PMB Commander, and the Director for review.

(2) Upon completion of the review process, the investigative file will be returned to the concerned commander. After the discipline is given, the investigative file, accompanied by a memorandum acknowledging review and including signed copies of disciplinary action papers, will be hand delivered to PCB.

c. If the allegations are determined to be not sustained, exonerated, or unfounded, the commander of the concerned employee will review and return the investigative file, accompanied by a memorandum acknowledging review, to PCB via normal chain-of-command. The investigative file will be forwarded by PCB to the Director who will sign the Investigation and Case Disposition form as the final reviewing authority.

d. When a firearm is discharged and no person is injured, the investigative file will be forwarded by PCB to the commander of the concerned employee for review and appropriate action. A Firearms Discharge Investigation memorandum (Annex M) will be prepared for approval of the concerned division chief and returned to PCB after a final review by the concerned assistant director and the Director. Offices not reporting to a division chief will submit the memorandum to the concerned assistant director or the Director, as appropriate.

8. If a sustained disposition is later overturned by the County Manager's Office as a result of a hearing examiner's report, the Disposition Panel will reconvene and reconsider the original finding. Reconvening of the panel will take place only in those cases where new information is developed which supports a new finding of not sustained, exonerated, or unfounded, and will not be based solely on a reduction in discipline.

E. Disposition of Personnel Complaint Investigations:

1. Upon completion of a PC investigation, PCB will prepare a transmittal slip and route the file to the subject employee's concerned division chief at the time the incident occurred or, for elements not reporting to a division chief, the concerned assistant director, or the Director. The file will then be routed to the commander of the subject employee's element of assignment who will assign the file to a supervisor for review. If employees from more than one element are involved, the file will be routed by properly marked sealed envelope to the commander of each concerned element for review and recommended disposition action.

2. The reviewing supervisor will analyze the reports, documents, photographs, statements, and other material in the file, and recommend a disposition of the case by completing a Disposition of Personnel Complaint memorandum (Annex N), which will be submitted with the investigative file to the approving authority. The original memorandum remains with the case file.

3. If the recommendation includes administrative action in the form of a formal counseling or discipline, the draft of the recommended action will be included in a separate file folder with the case file when it is forwarded to the approving authority.

4. A Review of Disciplinary Action memorandum (Annex K) indicating review of the file and DAR Flow

Sheet (Annex L), will be forwarded with the investigative file, via the normal chain-of-command, to the PLB, the PMB Commander, and the Director for review.

5. The concerned employee's division chief, or, for elements not reporting to a division chief, the concerned assistant director is the lowest level with authority to approve the disposition of a PC investigation. When the approving authority has indicated final approval on the Disposition of Personnel Complaint memorandum, and necessary administrative actions have been implemented, the complete file, including signed copies of formal counseling or discipline imposed, will be delivered by properly marked sealed envelope to PCB for documentation and storage.

6. PCB will assign suspense dates for each case assigned to disposition panels and concerned chains-of-command. If an extension is required, the first request by the concerned element may be granted verbally by PCB. Subsequent extensions require a written request to PCB outlining the reasons.

VI. CONFIDENTIALITY OF INVESTIGATIONS:

Complaints, the existence of complaints, and information obtained pursuant to the investigation of complaints shall be confidential until the case ceases to be active:

A. Active Investigations: {CALEA 52.1.4}

An investigation is considered to be active as long as it is proceeding with a reasonable expectation that a finding will be made in the foreseeable future. This period is usually considered to be 45 days; however, due to the complexity of some investigations, the period may be extended if the investigation is proceeding with good faith. In all cases, confidentiality will be preserved until the investigation is concluded and a finding reached.

B. Closed Investigations:

An investigation is considered to be closed when it has been reviewed and signed by the Director or his designee in accordance with the following procedures:

1. All discipline resulting from PCB investigations will be forwarded to the Director and the case will be closed when the Director has approved the discipline. For PC investigations without discipline, the case is closed when the highest approving authority has approved the memorandum. For IA investigations without discipline, the case is closed in accordance with Section 3, IV.D.7.c.

2. Copies of PCB investigative reports, official records, and related documentation will be released by PCB only after the case has been returned to PCB by the concerned element, closed, and a public records request has been submitted.

3. Documents will be filed in personnel files in accordance with **Personnel Files.**

VII. PROFESSIONAL COMPLIANCE BUREAU FILES:

In order to ensure completeness of closed files, all reports and documentation pertaining to a particular file must be included when it is returned to PCB. On all complaint investigations that are sustained, a copy of the completed DAR, Record of Counseling, letters, or any other documentation which apply to that file will be included in the investigative file.

VIII. CERTIFICATE REVOCATION COMMITTEE:

A. Composition:

Composed of the PMB Commander, a lieutenant from PCB, a lieutenant from PMB, and a legal advisor from the PLB.

B. Duties:

1. Reviewing all cases with sustained findings on sworn officers and police officer trainees.

2. Prepares a written report of each case reviewed and submits a recommendation, to the concerned major element commander and Division Chief ~~Support Services Assistant Director~~, and to the Director for approval.

3. Prepares the appropriate documentation for submission to the Criminal Justice Standards and Training Commission.

   a. If a sustained disposition that resulted in certification revocation is later changed (appeal action, development of new information, or other consideration), the Certificate Revocation Committee will reconvene and notify the Commission.

   b. The PMB prepares letters to affected police officers and trainees informing them that their investigative file has been forwarded to the Criminal Justice Standards and Training Commission for certification action (Annex O).

SECTION 4 - COUNSELING AND DISCIPLINARY ACTIONS {CALEA 26.1.4b}

I. COUNSELING: {CALEA 26.1.5}

A. General:

Counseling is informal or formal supervisory guidance especially conceived and offered to the designated employee to improve performance and avoid the need for disciplinary measures. Neither informal nor formal counseling are disciplinary actions. Although informal counseling may ordinarily precede formal, the appropriate choice is that of the concerned supervisor.

1. Informal counseling: Friendly and stimulating interaction between the concerned supervisor and employee, regarding a matter which could evolve into a disciplinary action. The supervisor shall indicate to the employee the required conduct or performance expected. Informal counseling is not to be recorded on the Personnel Record Summary located in personnel files. Supervisors are encouraged to retain supervisory notes on such informal actions.

2. Formal counseling: Recorded guidance to correct a deficiency or direct employee performance; e.g., type of conduct or performance required, deviations that necessitated the counseling session, what the supervisor expects of the employee, and a timetable established by the concerned supervisor and conveyed to the employee. This is the proper time to caution or remind the employee that disciplinary action may be necessary if conduct does not improve. Applicable policies, rules, orders, and standard operating procedures shall be discussed. Command-level personnel will contact the DDC to obtain a control number. The number is recorded on the top right corner of the Record of Counseling (Annex P). The Record of Counseling is prepared in triplicate; original (white) to employee, green copy to Miami-Dade County Employee Relations Department, and yellow copy to employee's departmental personnel file at unit of assignment. A record of counseling shall be recorded on the Personnel Record Summary and shall not be removed. A Record of Counseling shall be removed from employee's departmental personnel file in accordance with **Personnel Files.** {CALEA 26.1.8}

B. Training: {CALEA 26.1.4a}

The purpose of training is to assist the employee in correcting or improving their performance level through positive and constructive methods. Training may be utilized in lieu of or in conjunction with the various forms of disciplinary action. The supervisor will be responsible for requesting or providing available instruction within practical means.

Training may be requested in, but not limited to, the following circumstances:

1. An employee's performance has been evaluated as "needs improvement "or "unsatisfactory".

2. A specific incident or performance indicates a special need for training.

All recommended methods of improving performance will be documented by the employee's immediate supervisor. The Training Institute ~~Bureau~~ Commander will be contacted to provide guidance in determining the appropriate available training. Employees failing to follow recommendations to improve their performance may be subject to progressive disciplinary action.

II. ADMINISTRATION OF DISCIPLINE: {CALEA 26.1.4c}

A. Disciplinary Action:

It is incumbent upon an employee's supervisor at his unit of assignment or higher level in the chain-of-command to recommend, approve, and administer disciplinary action when appropriate and cause the respective reports to be completed. {CALEA 26.1.5}

B. Degree of Disciplinary Action:

The degree of disciplinary action to be recommended or presented cannot be specifically delineated as it depends upon the totality of factors associated with each incident or sustained complaint. It is the responsibility of the supervisor to recommend type or degree of action that will cause the employee to recognize his responsibilities to himself and the organization. {CALEA 26.1.5} Positive disciplinary action should be evaluated and applied prior to the imposition of negative sanctions whenever appropriate. The degree of discipline should increase with each sustained complaint which is similar in nature. An evaluation of the following factors should assist the supervisor in making a determination as to the proper degree of disciplinary action needed:

1. Seriousness of the violation.

2. Identification of a particular course of conduct.

   a. The supervisor will contact PCB to obtain number and type of prior incidents or complaints to determine if a course of conduct exists. Only similar sustained complaints should be considered.

   b. When determining if a specific course of conduct (excessive force, harassment, discourtesy) is present, the supervisor should identify:

      (1) Number of similar incidents or complaints.

      (2) Time span between incidents or complaints.

      (3) Disposition of the complaints.

      (4) Disciplinary action awarded.

3. Mitigating circumstances, if any.

4. Length of service and previous record of the employee.

5. Reasonable consistency in applying similar penalties to similar offenses.

6. The prospect that disciplinary action may play a rehabilitative role.

7. Attitude and conduct of the employee throughout investigation and personal interview.

8. Greater use of the written reprimand. The degree of discipline may be raised by increasingly stringent written reprimands rather than progressing directly from a prior written reprimand to a short-term (1 to 5 day) suspension. When appropriately utilized in this manner, the written reprimand may achieve the desired result while increasing the efficiency of the overall disciplinary process.

9. Other relevant factors arising out of Miami-Dade County or departmental practice or the peculiarities of the incident under consideration.

III. DISCIPLINARY ACTION PROCEDURES: {CALEA 26.1.4c}

A. General: {CALEA 26.1.5}

The following procedures are designed to assist the supervisor in thorough determination, documentation, and presentation of the steps involved in the administration of discipline. The Complaint, Discipline, and Firearms Discharge Investigation Reference Charts (Annex D) will assist in the preparation of disciplinary actions.

1. If the incident requires contacting PCB, follow the procedures described under Complaint Procedures. If not, the supervisor has the following options:

a. No further action on the basis that the observed incident was unintentional and not of a recurring nature.

b. No further action but informal documentation is noted.

c. If formal counseling is inappropriate or has been ineffective, take or recommend disciplinary action deemed appropriate.

2. A DAR (Annex Q) will be prepared to include a complete statement of the rule, order, directive, or procedure violated and reference number; facts surrounding the incident; and relevant rehabilitative action that was undertaken prior to the subject incident, if applicable. {CALEA 26.1.8}

3. The concerned employee must be given an opportunity to present explanations or information relating to the incident, act, or behavior prior to disciplinary action being imposed.

a. A Disciplinary Action Session will be scheduled by the appropriate supervisory level to notify the employee of pending disciplinary action. The supervisor recommending the action and the employee will attend. The supervisor must be aware of time requirements pursuant to the applicable bargaining agreement. A bargaining unit or other representative may attend at the request of the employee:

(1) If the concerned employee is a member of the American Federation of State, County, and Municipal Employees (AFSCME) Local 1363, the employee shall be notified by memorandum (Annex R) of the date, time, and location of the Disciplinary Action Session and the specific County Personnel Rule and departmental rule or procedure at issue. A copy of the notification shall be sent to AFSCME by facsimile.

(2) When the employee is accompanied by a representative of a bargaining unit, an attorney, or other representative, the supervisor recommending the action may contact the Departmental Discipline Coordinator to consider arranging for possible representation by an Assistant County Attorney.

(3) This session is intended to provide the employee with an explanation of the charges, confirm that disciplinary action is being considered, and answer any questions the employee may have. The response of the employee, including his explanation of the incident, if not previously obtained, or mitigating circumstances, should be noted. If names of new witnesses are introduced, they should be contacted after the interview. Suggestions or statements of the employee's representative should be courteously received and noted. The employee must be given the right to respond, orally or in writing, to the charges made. The Disciplinary Action Session is not to take the form of a formal interrogation unless requirements for recording of the interrogation and the presence of a representative requested by the employee are complied with. The response must become a part of the DAR and be taken into consideration prior to a final determination being made. When requested, the employee will be granted a reasonable period of time (excluding weekends and holidays), not exceeding 24 hours, to submit a response. Upon request, the employee or PBA representative will be granted an automatic 72-hour extension to submit a written response to a DAR.

(4) The employee will be asked to sign the report and be given two photocopies. If the employee, for any reason, refuses to sign, the supervisor will enter EMPLOYEE REFUSED TO SIGN and then type and sign his name and the date. A witness will also be required to sign and date the report under these circumstances.

(5) A summary of the Disciplinary Action Session will be prepared and made a part of the DAR. The summary shall list all persons present at the session, detail any response or explanation given by the employee, and note that the employee was advised that a response to the DAR could be made, either orally or in writing, within the allotted time period indicated above. The summary should additionally state that the employee was given two photocopies of the DAR.

b. Upon termination of the Disciplinary Action Session, the supervisor recommending the action will ensure that any further investigation required, e.g., based on data, facts, information, or employee's statement not previously known, is initiated and results entered on the DAR. If the employee submits a rebuttal, a notation will be made indicating that the rebuttal was received and reviewed prior to

making a final decision.

4. An employee may be reprimanded, demoted, suspended, or discharged.

5. Following the disciplinary action session and consideration of relevant material, command-level personnel, or designated captains, first lieutenants, or bureau administrative lieutenants, shall fax a draft copy of the proposed Disciplinary Action Report to the Departmental Discipline Coordinator in the PMB, and inquire if the proposed discipline is consistent with the type and extent of discipline presented in similar incidents. These discipline standards assist the supervisor in determining, based upon all circumstances, the degree most appropriate.

   a. The captain, first lieutenant, or bureau administrative lieutenant contacting the Departmental Discipline Coordinator will provide his social security number, the social security number of the employee for whom disciplinary action is being considered, and the PCB case number if there is one.

   b. The Departmental Discipline Coordinator will provide a disciplinary action control number to the supervisor.

   c. The subject employee's social security number will be recorded next to the employee's name on the Disciplinary Action Report (DAR).

   d. The control number which was provided by the Departmental Discipline Coordinator will be recorded on the top right corner of the DAR.

6. A written statement of the reasons for the action and the effective date shall be furnished to every permanent employee suspended, reduced in grade, or dismissed. {CALEA 26.1.7a,b} The employee will be advised that a copy of the DAR and attachments, the Disciplinary Action Session, and the Disciplinary Action Notification Letter will be placed in his personnel file. An entry shall be recorded on the Personnel Record Summary and will not be removed.

7. A copy of all disciplinary reports involving written reprimands, suspensions, demotions, and dismissals shall be provided to the PMB Commander.

8. The supervisor will prepare a separate appeal preparation file which will be maintained at the employees' unit of assignment and include photocopies of:

   a. Authentication page from document violated.

   b. Page of document which lists rule violated.

   c. Other relevant data which may be required in an appeal process including the names and addresses of witnesses who are not employees of Miami-Dade County.

9. Supervisors in the chain-of-command may contact the PMB Commander to determine the status of pending disciplinary actions.

B. Written Reprimand:

Administered in writing on a DAR by the appropriate supervisor as reflected in Disciplinary Authority (Annex S). A written reprimand shall be recorded on the Personnel Record Summary. {CALEA 26.1.5}

1. A Disciplinary Action Session will be held. If, as a result of the Disciplinary Action Session or further investigation, the proposed discipline is decided against, the employee will be notified, and the DAR will be removed and disposed of in accordance with **Records Control**. No entry will be made on the Personnel Record Summary. {CALEA 26.1.8}

2. If the employee is reprimanded, a copy of the DAR will be forwarded to PCB and the PMB Commander.

3. Permanent status employees may appeal the reprimand by notifying the PMB Commander, in writing, within 14 calendar days of receipt of the reprimand. {CALEA 26.1.6}

   a. Because of the specific time period for appeal and the need to advise employees of this review

procedure, a Notification of Appeal Letter (Annex T) shall be included in all DAR packages involving written reprimands. This memorandum is included at the time of issuance of the written reprimand by the disciplinary authority; not at the time of the disciplinary conference. The employee will be asked to sign and date the written reprimand and the notification of appeal memorandum.

b. If the written appeal request is made within 14 calendar days, the PMB Commander will notify a chief not in the involved individual's chain-of-command, on a rotational basis, to serve as reviewer.

c. The employee will be notified, by letter from the PMB, of the chief assigned to hear the case.

d. The employee, or his/her representative, will have five days to contact the concerned chief for scheduling of a date, time, and place convenient to all parties. The reviewing chief will be responsible for notifying PMB, the appellant, the disciplining authority, and others whom the reviewer deems essential of the scheduled date and time.

(1) The appellant may select a representative to be present at the appeal hearing. Notification of the representative is the responsibility of the appellant.

(2) After initial notification, the parties will be responsible for contacting the reviewing chief to request changes in date, time, or place. Such requests will not be unreasonably denied.

(3) Although the reviewer may insist on good and sufficient reason for making a change; e.g., employee court appearance, such requests should not be unreasonably denied.

(4) Approved changes to the date, time, or place of the hearing must be documented to all parties concerned, and a copy provided to the PMB Commander.

e. Conduct of the hearing:

(1) The purpose of the hearing is to determine the appropriateness of the discipline, and not to overturn findings of other departmental review or investigative forums.

(2) The hearing should be informal in nature. Legal techniques such as cross examination, and redirect and rebuttal questions should neither be necessary nor allowed. The appellant should be allowed to introduce new evidence and/or witnesses if the information is relevant to the level of discipline administered.

(3) The suggested order of presentation is the disciplining authority first, with statements as to the basis for the discipline, followed by the appellant's statement.

(4) Requests to have witnesses testify should be submitted to the reviewer in advance of the hearing. The reviewer determines whether such witness testimony will be beneficial to deliberations. If witnesses are accepted, they should be clearly identified, and the number of witnesses should be held to the minimum necessary to clarify issues.

(5) Questions from either party to clarify issues or understandings should be directed to the reviewer, who will determine appropriateness and relevancy.

(6) Should a technical question arise during the course of the hearing, the reviewer should avoid attempting to make a decision at the hearing. In this case, the parties should be advised at the close of the hearing that a decision will be issued within 30 days.

f. The reviewer, whose decision is final and binding, may either uphold or rescind the written reprimand.

(1) The reviewer may consider documents not previously introduced as part of the written reprimand if they appear germane.

(2) Failure of the appellant to appear at the hearing or to provide a satisfactory reason for nonappearance within five days after the scheduled hearing date should be deemed as an abandonment of appeal, and so documented by the reviewer.

(3) Failure of the disciplining authority to appear without good cause should be taken into consideration by the reviewer in reaching a decision; however, the hearing should proceed.

g. Except as noted in e.(6), above, the reviewer will have ten days from the date of the hearing to provide a written decision to the appellant, with copies to the appellant's representative, the disciplining authority, the PCB, and the Departmental Discipline Coordinator (Annex U).

(1) Any document used in the reviewer's deliberation should be retained and forwarded with the written decision to the Departmental Discipline Coordinator.

h. Where an incident results in more than one employee receiving a written reprimand, the disciplined employees will all be heard by the same reviewer unless separation of the cases is requested by the PBA and agreed to by the Director.

4. Removal of copies: Reprimands will be removed from an employee's departmental personnel file in accordance with **Personnel Files**. {CALEA 26.1.8}

C. Suspension:

1. General: Authority to suspend is delegated to supervisors reflected in Annex S. {CALEA 26.1.5} Suspensions for more than ten consecutive days will require approval of the Director. A suspension imposed pursuant to this section shall not take effect until the following actions are accomplished:

a. When a recommendation is made to suspend, a typed draft of the DAR will be prepared by the concerned supervisor. A command officer in the chain-of-command shall affix his initials indicating a review of the report.

b. The concerned supervisor may schedule an appointment with the PLB to review the typed draft and assist in developing the text of a final DAR. Concurrently, the PLB will also assist the supervisor in preparing an appeal preparation file which will include identifying witnesses, a synopsis of their testimony, and any other relevant material.

c. The final DAR will be reviewed by the PLB and forwarded to the concerned supervisor. A file containing a copy of the DAR and the appeal preparation file will be maintained by the element which imposes the discipline.

d. A Disciplinary Action Session will be held.

(1) If, as a result of the Disciplinary Action Session or further investigation, the proposed discipline is decided against, a memorandum will be prepared by the supervisor stating the reasons for not proceeding with the proposed discipline. All copies of the DAR will be disposed of in accordance with **Records Control**.

(2) Upon termination of the session, and if disciplinary action is appropriate, the concerned supervisor will contact the Departmental Discipline Coordinator, as described in III.A, above, to determine the appropriateness of the recommended action and make every reasonable effort to ensure that no schedule conflicts (court subpoenas, annual physical examination) exist relative to the effective dates and duration of suspension action.

e. A Disciplinary Action Notification Letter (Annex V) will be prepared. This need not be as in-depth as the DAR.

2. Salaried employees cannot receive disciplinary suspensions of less than one full week. A salaried employee may be suspended only in increments of a full work week without pay. If a suspension is administered, it is imperative to ensure that the employee does not perform any work during the relevant period. Not only must the employee be prohibited from coming to work, but the employee cannot be allowed to do any work. This includes the day off preceding the suspension week as well as the day off after the suspension week.

3. Routing and review process:

a. The DAR, including recommended discipline, Disciplinary Action Notification Letter, Review of Disciplinary Action Memorandum, DAR Flow Sheet, and all investigative material will be forwarded via action memorandum through the chain-of-command to the level of authority necessary to approve and administer the discipline. A photocopy of the Disciplinary Action Notification letter will be maintained for trace purposes.

b. To ensure that applicable provisions of the Miami-Dade County Personnel Rules and departmental rules and policies are not abridged or denied, the appropriate authority, after notifying his chain-of-command of the pending disciplinary action, will forward the investigative file to the PLB, the PMB Commander, and the concerned assistant director or Director for review.

c. The review of discipline will be processed no higher than that of the concerned assistant director except for the following cases which will be forwarded to the Director for review: 1) Cases involving personnel of elements reporting to the Director. 2) All PCB investigation cases. 3) All cases involving termination or suspension.

4. Upon completion of the review process, the investigative file will be returned to the appropriate authority, who will enter a final action on the DAR and return it to the initiating supervisor, who will present the discipline. The DAR must contain the signatures and printed or typed names of both the initiating and authorizing supervisors. An entry shall be recorded on the Personnel Record Summary.

a. The disciplinary action package consisting of the DAR and attachments, a copy of the summary of the Disciplinary Action Session, and the Disciplinary Action Notification Letter will be delivered to the employee (original and one copy) in person or by certified mail, return receipt requested, at least 24 hours prior to the effective date of action. The Forfeiture of Leave Time in Lieu of Suspension memorandum (Annex W) will be included in the disciplinary action package for all employees. The concerned employee, or witness to the notification, will affix signature to the notification certifying receipt.

b. An employee who is suspended will relinquish the departmentally issued firearm, badge, and identification card. These items will be stored in a command level office of the suspending supervisor or in the Property and Evidence Section ~~Bureau~~. The suspended employee will also be instructed that he is prohibited from carrying or displaying any duplicate badge or other identification that may identify the employee as a police officer. The suspending supervisor will, as soon as practicable, prepare a Receipt of Departmental Property memorandum (Annex E) for the affected employee's signature certifying receipt of departmental property. The employee will be given the original; a copy will be placed in the employee's personnel file at the unit of assignment; a copy to PCB; and a copy to the PMB Commander. If the items are stored in the Property and Evidence ~~Bureau~~ Section, the employee will also be given his copy of the departmental Property Receipt form. Upon return of departmental property to the affected employee, the concerned supervisor will prepare a Return of Departmental Property memorandum (Annex F), which is distributed the same as Annex E.

c. An employee suspended will not perform in any official law enforcement capacity except by subpoena and will be subject to the same codes, laws, and ordinances as are non-police personnel.

d. Employees will not be permitted to work on scheduled days off in lieu of suspension.

e. Supervisors will advise employees who are suspended for more than one pay period to contact the PMB regarding payment for insurance and other items usually deducted from paychecks.

5. Employees who are suspended for any length of time may request forfeiture of accrued leave (annual, compensatory, or holiday) in lieu of suspension in order to remain in pay status. The request should be submitted, with the DAR, through channels to the Director and must be mutually agreeable to the employee and the Department. Employees exercising this option shall formally waive their right to appeal. Annex W is a sample format for employees to use in seeking approval of such a request, and should be presented to the employee with the finalized disciplinary action. Employees should be advised at that time that a decision regarding forfeiture of time must be submitted prior to the scheduled date of suspension. The inclusion of the paragraph regarding waiver of appeal rights is mandatory for any such request to be considered. In the event their request for forfeiture of leave time is denied, the employee does not lose their right to appeal the suspension.

6. Copies of the disciplinary action package, as defined in paragraph C.4.a., will be furnished to all those indicated on the Disciplinary Action Notification (Annex V).

7. Removal of copies: Suspensions will be removed from the employee's departmental personnel file in accordance with **Personnel Files**. {CALEA 26.1.8}

8. The concerned commander will ensure that the investigative file is hand delivered to PCB.

D. Demotion or Dismissal:

The Director may demote or dismiss. {CALEA 26.1.5}

1. Procedure for employees with permanent status in any classification: Recommendations to demote or dismiss shall follow the same procedural action as suspensions.

   a. The recommended date of the action will be included in the action memorandum that accompanies all material related to the disciplinary action through the chain-of-command. The date of the Disciplinary Action Notification letter (Annex X) and effective date of the action will be determined by the Director and entered when the file is returned to the recommending supervisor.

   b. An employee with permanent status in one classification but on probation in a higher classification may be demoted during the probationary period. Demotion is made by utilizing the Advice of Personnel Action (APA) form with the following notation: FAILURE TO MEET PROBATIONARY REQUIREMENTS - RETURN TO FORMER CLASSIFICATION.

   c. Right to meet with the Director: Employees with permanent status in any classification who are subject to dismissal may request an interview with the Director which will be scheduled by the Director's Office prior to final departmental action.

      (1) When a recommendation for dismissal is being considered, the Record of Employee Right to Respond to Departmental Official Authorized to Take Dismissal Action (Annex Y) will be completed by the appropriate supervisor, signed by the concerned employee following the disciplinary action session, and included with the investigative file. This action should take place after review of the employee's response, and supervisory determination that dismissal is appropriate discipline to recommend.

      (2) The employee has the right to the presence of a bargaining unit representative or other representative of the employee's choosing.

   d. The PMB will provide a dismissed employee with a statement of the status of fringe and retirement benefits after dismissal. {CALEA 26.1.7c}

2. Procedure for employees without permanent status in any classification:

   a. A recommendation to dismiss is made utilizing the APA form. The reason for separation will be cited as: FAILURE TO MEET PROBATIONARY REQUIREMENTS. The DAR and Disciplinary Action Notification letter should not be prepared.

   b. Name clearing hearing:

      (1) When a non-permanent County employee (e.g., probationary, exempt) is discharged or demoted for reasons that may stigmatize the employee's reputation, proper procedures must be followed to give the employee an opportunity to clear his name. The purpose of such procedures is to afford the stigmatized employee an opportunity to respond to the charge, and not to appeal the disciplinary action or to gain reinstatement.

      (2) A charge is "stigmatizing" if it involves allegations of dishonesty or immorality which may damage the employee's reputation among associates and impair his or her ability to obtain other employment. Examples of a stigmatizing charge include falsifying records, misappropriating County property or funds, mental instability, and the commission of a crime or other immoral act.

(3) A name-clearing hearing must be offered whenever all of the following three conditions are met:

(a) an employee without permanent status in any classification is dismissed or demoted;

(b) a stigmatizing charge is placed in the employee's personnel file or is otherwise made public; and

(c) the employee asserts that the charge is untrue.

(4) When a non-permanent employee is demoted or discharged for a stigmatizing reason and that reason is publicized, a Name-Clearing Hearing Memorandum (Annex Z) will be prepared and presented to the employee. A name-clearing hearing will be arranged if the employee requests it. The employee will be requested to sign for his or her copy of the written notification, if presented personally, or the notification letter shall be sent to the employee by certified mail. A copy shall be provided to the Employee Relations Department, Labor Management and Employee Appeals Division, Employee Mediation Coordinator. The employee shall be notified that the purpose of the hearing is not to appeal the disciplinary action or to gain reinstatement, but to provide the employee an opportunity to respond to the stigmatizing charge. The Department shall advise the employee that the request for a hearing must be filed with the Employee Mediation Coordinator within fourteen (14) calendar days of being notified of the right to a hearing. The failure of an employee to request this hearing within the 14 day time limit shall be considered as a waiver of rights by the employee.

(5) Upon receipt of an employee's timely request for a name-clearing hearing, the Employee Mediation Coordinator shall schedule and conduct a hearing, normally within sixty (60) calendar days. The Employee Mediation Coordinator shall preside as the hearing officer for these hearings. The Department may be required to prepare a written description of the charge that is to be considered at the hearing, and the employee may be required to submit a written response to the charge.

(6) The conduct of the hearing shall be informal. The employee shall be allowed to present testimony and documents showing that the charges are untrue. The Director may designate a department official to present evidence in support of the charges. The Employee Mediation Coordinator may order any County employee who has relevant information about the charge to testify at the hearing. Employees who refuse to testify may be subject to discipline. When appropriate, the Department will make good faith efforts to obtain relevant testimony from non-County employees. In addition to accepting live testimony, the hearing officer may accept written statements and other documents which are relevant to the proceeding. The Employee Mediation Coordinator shall ensure that minutes of the hearing are recorded.

(7) Within thirty (30) calendar days after the hearing, EMC is to issue a written report summarizing the evidence presented. The officer's report shall clearly state that his conclusions have no bearing on the employee's status as a County employee. The EMC report shall be final, binding, and not subject to further review or appeal. Copies of the EMC report shall be furnished to the Department and placed in the employee's personnel file.

(8) The PMB Commander will serve as the liaison with the Employee Mediation Coordinator in scheduling hearings, when arranging for documentation and witnesses to be produced at the hearing, and other related activities.

3. Voluntary resignations: An employee subject to dismissal may be given an opportunity to voluntarily resign. Subsequent to final approval, an employee who elects to resign in lieu of dismissal must submit the resignation in writing. The employee is to be informed that the resignation will be held for 24 hours. The resignation shall become final unless retracted during that time. This rule applies only when a resignation is accepted in lieu of dismissal and the employee has been told that termination would be recommended in absence of the resignation. Resignations may be accepted in lieu of termination at the discretion of the Director. A voluntary resignation will not preclude the filing of criminal charges if appropriate. Any investigations initiated will be completed regardless of resignation in lieu of dismissal.

4. If a trainee or a probationary police officer is demoted or dismissed for a performance or conduct related reason, the Advice of Personnel Action shall specify the category reflected below which best describes the

action:

a. Failure to complete basic recruit training

b. Failure to pass state certification examination

c. Failure to meet mandatory retraining requirement

d. Failure to satisfactorily complete agency field training program

e. Failure to perform assigned tasks satisfactorily

f. Excessive absenteeism, failure to report for duty, and sleeping on duty, etc.

g. Voluntary separation or retirement while being investigated for violation of agency policy

h. Terminated for violation of agency policy

i. Voluntary separation or retirement while being investigated for violation of Florida Statute 943.13(4)

j. Terminated for violation of Florida Statute 943.13(4)

E. Automatic Suspension:

1. Authority: Section 2-42(22), Code of Miami-Dade County, Florida, provides for the automatic suspension, without pay, of any employee immediately upon indictment by any grand jury or upon having an information filed against the employee by any prosecuting official for a felonious offense.

2. Procedure:

a. Departmental practice is to relieve an employee from duty with pay upon learning of the employee's arrest. If the arrest is made on the basis of an indictment or information already filed, the automatic suspension provision can be ordered immediately; otherwise, the employee will continue to be relieved from duty with pay and the supervisor will monitor the development of the case. Care must be taken to ensure that the violation is a felony and not a misdemeanor because the automatic suspension provision is not ordered in every arrest situation.

b. Upon confirmation of either an indictment or the filing of an information, the supervisor must initiate a Notification of Suspension letter (Annex AA) to advise the employee of the disciplinary action. If the circumstances of the case are in question, assistance should be sought from the PMB Commander or the PLB.

c. Copies of the Notification of Suspension will be furnished to the Director, the commander of the organizational unit of employee assignment, the employee's file at the unit of assignment, PCB, Departmental Discipline Coordinator, PLB, and the Employee Relations Department, Miami-Dade County.

d. The suspending supervisor must continue to monitor the case.

(1) Should the employee be found guilty of the charges and adjudicated as guilty, a Notification of Position Forfeiture letter (Annex AB) will be prepared for the Director's signature advising the employee that he has forfeited his position in accordance with the Code of Miami-Dade County, Florida. As specified above, copies of the position forfeiture letter will be furnished to the same individuals and elements previously provided the notification of suspension.

(2) No employee may be reinstated to the County service from an automatic suspension under provisions of 2-42(22) of the County Code without prior written approval from the concerned Senior Assistant to the County Mayor ~~Manager~~. Therefore, prior to reinstatement, the commander or supervisor of the employee's major organizational element will prepare an action memorandum from the Director to the Senior Assistant to the County Mayor ~~Manager~~, in the event of any of the following:

(a) The employee is tried and acquitted.

(b) The information or indictment is quashed or dismissed.

(c) A court of competent jurisdiction places the employee in a pretrial intervention program or withholds adjudication pending rehabilitation.

The memorandum shall contain a brief synopsis of the reason for the suspension, indicate if any disciplinary action is pending, and, on the green copy, indicate review by the PLB, the PCB, and the PMB. The PLB shall be contacted for guidance in preparing the action memorandum.

IV. APPEAL OF SUSPENSION WITHOUT PAY, DEMOTION, OR DISMISSAL: {CALEA 26.1.6}

A. Eligibility:

An employee who has completed the probationary period may appeal the action to a hearing examiner within 14 days by written request to the Director, Miami-Dade County Employee Relations Department. Copies of the appeal will be provided to the concerned supervisor and the PLB. A probationary employee shall not be entitled to appeal the action taken. Automatic suspension under the provisions of Section 2-42(22) of the Code of Miami-Dade County, Florida, is not appealable under the same provisions.

B. Appellant Offer of Settlement or Agreement to Lesser Discipline on Appeal of Suspension:

1. The assigned Departmental Appeal Hearing Monitor or supervisors involved in the appeal process shall not approve any offer of settlement or agreement to lesser discipline verbally or in writing.

2. In cases where an appeal of a suspension is being conducted and an offer of a settlement or an agreement to a lesser discipline is offered by the appellant or their attorney, the following actions will occur:

   a. The assigned Departmental Appeal Hearing Monitor will contact the Departmental Discipline Coordinator (PMB Commander).

   b. The Departmental Discipline Coordinator will confer with PLB and the concerned division chief or the Director, depending on the length of suspension.

   c. After conferring, the Departmental Discipline Coordinator will contact the concerned assistant county attorney regarding the Department's decision.

C. Pre-Hearing Conferences:

The Assistant County Attorney assigned to handle the appeal normally schedules pre-hearing conferences. The Departmental Appeal Hearing Monitor is assigned responsibility to send notice to all concerned employees of the time, date, and place of the conference.

These conferences are for the purpose of discussing with the Assistant County Attorney hearing strategies for the appeal hearing and other issues deemed relevant to the appeal case. They may include possible mutually agreeable settlement of the case thereby avoiding the costly and time consuming appeal hearing. The Departmental Appeal Hearing Monitor will discuss possible settlement options with the PMB Commander.

D. Department Disciplinary Appeal Panel:

The Disciplinary Appeal Panel establishes an alternative appellate route to that of the usual external Hearing Examiner system provided under Section 2-47 of the Miami-Dade County Code. This alternative is only available to permanent status employees suspended for five (5) or less days where the employee is in a classification represented by a PBA bargaining agreement. In selecting this alternative, the employee waives rights to appeal under Section 2-47.

The Panel consists of three persons; a chairperson and one member chosen by the Department, and another member chosen by the employee or PBA. The parties are allowed to challenge one member during the selection of the panel. Where an incident results in more than one employee receiving a suspension, the disciplined employees will all be heard by the same Panel unless separation of the cases is requested by the PBA and agreed to by the Director. The Panel shall be limited to determining the appropriateness of the level of disciplinary action taken. Should the Panel, based on information not previously known, conclude that there was no basis for disciplinary action, they shall make a recommendation that the Director review the case and take whatever action is deemed appropriate. If disciplinary action is deemed appropriate, the Panel will be reconvened to determine the appropriateness of the level of discipline.

Within 30 calendar days of receipt of the finalized disciplinary action, the employee or the PBA must submit a written request to the Director to use the disciplinary appeal panel procedure. The written request should include the employee or PBA selection of one panel member and an alternate from within the Department. Failure to file the written request with the Director within 30 calendar days will result in denial of the request.

The Departmental Discipline Coordinator will maintain a mutually agreed upon roster of those with the rank of Police Bureau Commander, Senior Police Bureau Commander, and Major. Individuals from these ranks will serve on a rotating basis as chairperson. The Appeal Panel chairperson shall not be directly involved in the disciplinary action. The panel member designated by the Department may be chosen from these ranks as well as those of Police Captain and Police Lieutenant.

The Departmental Discipline Coordinator is delegated responsibility for coordinating the appointment of individuals to serve on panels; arranging for date, time, and place of hearing; providing timely notification of all parties; and shall monitor the progress of the appeal. The Departmental Discipline Coordinator will also issue general guidelines to each appointed chairperson to aid in the conduct of the hearing.

Hearings shall be scheduled within 30 days of receipt of the employee or PBA panel member selection. The appeal panel shall render a written decision to the concerned parties within 15 calendar days of the conclusion of the hearing. The original date of action of the discipline is to be included in the decision. This is the date the employee signs for having received the discipline notice, either the final action DAR on a written reprimand or the Disciplinary Action Notice Letter in cases of suspension, demotion or dismissal. That decision shall be final and binding on all parties with no further appeal action.

ANNEXES

A. Miami-Dade County Personnel Rules, Chapter VIII

B. Preliminary Complaint Report

C. Law Enforcement Officers' Rights

D. Complaint, Discipline, and Firearms Discharge Investigation Reference Charts

E. Relief From Duty/Receipt of Departmental Property Memorandum

F. Return of Departmental Property Memorandum

G. Reinstatement of Officer

H. Contact (Person) Shooting/Death in Custody Internal Affairs Case (Number)

I. Disposition of Internal Affairs Case Memorandum

J. Investigation and Case Disposition Form

K. Review of Disciplinary Action Memorandum

L. Disciplinary Action Flow Sheet

M. Firearms Discharge Investigation Memorandum

N. Disposition of Personnel Complaint Memorandum

O. Notice of Pending Certification Action

P. Record of Counseling

Q. Disciplinary Action Report (Example of Written Reprimand)

R. Sample AFSCME Memorandum

S. Disciplinary Authority

T. Notification of Appeal Letter

U. Reviewer's Decision Memorandum

V. Notification of Suspension Letter

W. Forfeiture of Leave Time in Lieu of Suspension Memorandum

X. Notification of Demotion or Dismissal (Example Letters)

Y. Record of Employee Right to Respond to Departmental Official Authorized to Take Dismissal Action

Z. Name-Clearing Hearing

AA. Notification of Suspension Letter (Example - Resulting from criminal charges)

AB. Notification of Position Forfeiture Letter

I

Collective Bargaining Agreement Between Miami-Dade County, Florida and the Dade County Police Benevolent Association 10/01/11 to 09/30/14 (Article 9)

COLLECTIVE BARGAINING AGREEMENT

BETWEEN

MIAMI- DADE COUNTY, FLORIDA

AND

THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION

RANK AND FILE UNIT

OCTOBER 1, 2011 TO SEPTEMBER 30, 2014

The concerned department shall advise the employee/Association as to the reason(s) for any inability to comply with the thirty (30) day time frame. Failure to comply with the terms of this provision shall not preclude the imposition of appropriate disciplinary action.

ARTICLE 9 RIGHTS OF EMPLOYEES IN DEPARTMENTAL DISCIPLINARY MATTERS

A. Rights of employees at hearings before a Departmental Review Panel or subject to a departmental disciplinary investigation:

1. The Internal Review Section or departmental disciplinary investigator will keep employees informed as to the nature of the investigation when they are questioned or interviewed concerning a complaint or allegation and to inform them if they are the subject of the investigation or a witness prior to any interview.

Employees who are subjects of the investigation will be informed prior to the interview that they have the right to have legal counsel or a representative present. Said employee shall be notified of each and every allegation or charge made against him and shall be given a copy of any and all complaints and statements of the complainant and witnesses made against him and any and all evidence, including any and all exculpatory evidence, relevant to the charges contained in the case file, including a transcript of any court proceedings involving the subject officer and said allegations, prior to the interview of said employee.

2. Interviews and questioning of employees shall be conducted in a professional manner. Statements shall not be taken in a coercive manner.

3. Administrative statements made by employees shall not be made public without written permission of said employee except where covered by the Public Records Law. An employee required to make an administrative statement shall be given advance notice in order to arrange proper representation and legal assistance for a mutually agreeable date and time.

4. Any employee who is summoned before a Departmental Review Panel, Departmental Investigation or Internal Review Section, during his normal off-duty hours will be compensated at the rate of time and one half for those hours. Employees so summoned will be governed by Article 25 entitled, Call Back, Court Time, and Special Emergencies.

5. The County agrees to promptly furnish any employee with two (2) copies of any disciplinary action report against him prior to disciplinary action being taken against him.

6. Upon notification of proposed discipline, the employee and/or the Association shall, upon request, receive a copy of the employee's written or recorded statement and/or any other document or evidence, including the complete Internal Review file, related to any recommended disciplinary action proposed against the employee at no cost to the employee or the Association.

7. The employee who is the subject of a complaint or allegation shall be notified in writing of the disposition upon the conclusion of the investigation, and final decision by the Department Director.

8. In cases where management chooses to relieve an employee from duty pending an investigation or other administrative action, the following conditions will prevail:

a. The employee will remain on full salary allowances and shall not lose any benefits during this period of time.

b. Should disciplinary action result from the investigation, that period of time in which the employee was relieved from duty without pay may be included in the disciplinary action.

c. If an employee is on probation when he/she is relieved of duty with pay the employee's probationary period shall not be extended.

9. Except where covered by law when an employee has been arrested or indicted or charged by a prosecuting official, the Department on its own initiative shall not release a

photograph or home address of any employee under investigation without the employee's written permission and the approval of the County Mayor or designee.

10. Any employee who is the subject of an internal investigation or department review panel will, in cases where findings or charges are not sustained, exonerated or unfounded or who is exonerated through the disciplinary appeal process, have all documents and reports, including the County "Advice of Personnel Action" and/or Personnel Change Document (PCD) forms, stamped "no longer in effect."

11. No employee shall be required to submit to any device designated to measure the truthfulness of his responses during questioning.

12. The County retains the right to inspect and search issued property and equipment and all County property. Upon request, employees will be given the reason for such search. Personal property and equipment will not be searched except pursuant to law.

13. No employee shall be disciplined except for just and proper cause.

14. Where an employee receives a Record of Counseling after two (2) years of discipline-free service to the County, the Record of Counseling shall be marked "no longer in effect". and shall not be used by the County in any manner, including but not limited to progressive discipline, promotion, transfer, or as evidence in a subsequent disciplinary hearing. The intent of this subsection shall be that the Record of Counseling shall be effectively destroyed, while abiding by Florida Public Records law precluding such actual destruction. The two (2) years considered herein shall run from the date of issuance of the Record of Counseling.

Where an employee receives a Written Reprimand, after two (2) years of good performance during which the employee has not been the subject of disciplinary action or further formal counseling, the documents in the departmental personnel file related to the Written Reprimand shall be marked "no longer in effect" and removed from the employee's departmental file.

15. Employees who are approved to forfeit accrued annual, holiday or compensatory leave in lieu of serving the period of suspension, and waive their disciplinary appeal rights shall be eligible to work overtime and/or off-duty in accordance with standard departmental policies. Employees serving a suspension without pay shall not be eligible to work overtime or off-duty on the dates covered by the suspension.

B. Hearing pursuant to the Hearing Examiner System:

1. The law enforcement officer subjected to the disciplinary process shall be informed in writing of the charges against him/her. The officers or their counsel shall have the right to confront and question all witnesses under oath. The Association shall have the right of discovery and other procedural rights in accordance with the Florida Rules of Civil Procedure.

2. Any charges against an officer must be specific and clearly drawn and a violation of law, County rules and regulations, and/or Departmental rules, regulations and orders. No vague or ambiguous language such as "conduct unbecoming an employee" shall be used unless supported by specific incidences or charges.

3. The decision of a hearing examiner shall include his/her findings of facts, conclusions and may include recommendations, a copy of which shall be immediately provided to the employee concerned.

a. Notwithstanding the provisions of subsection (6), the parties agree that Section 2-47 of the Code of Miami- Dade County will be the exclusive method of disciplinary appeal for all Dade County employees exclusive of appeals to the judicial system.

b. The County Mayor will make his decision based entirely on the facts contained in the Hearing Examiner's findings of facts and the transcript of the proceedings.

c. The County will continue to make good faith efforts to obtain the Hearing Examiner's decision within 30 days of the Examiner's receipt of the transcript.

J

Police Foundation Publication: The Effect of Body-Worn Cameras on Police Use-of-Force

POLICE FOUNDATION

Advancing Policing Through Innovation & Science

New Publication Available: The Effect of Body-Worn Cameras on Police Use-of-Force

Police Foundation Executive Fellow, Chief Tony Farrar, recently completed an extensive yearlong study to evaluate the effect of body-worn video cameras on police use-of-force. This randomized controlled trail represents the first experimental evaluation of body-worn video cameras used in police patrol practices. Cameras were deployed to all patrol officers in the Rialto (CA) Police Department. Every police patrol shift during the 12-month period was assigned to experimental or control conditions.

Wearing cameras was associated with dramatic reductions in use-of-force and complaints against officers. The authors conclude:

"The findings suggest more than a 50% reduction in the total number of incidents of use-of-force compared to control -conditions, and nearly ten times more citizens' complaints in the 12-months prior to the experiment."

We applaud Chief Farrar for his commitment to conducting rigorous scientific research on a technology initiative that has broad implications for the field of policing. The full report, coauthored with Dr. Barak Ariel, Cambridge University, can be found at the following link.

See the New York Times report on the study.

Author Information:

Barak Ariel, PhD, Jerry Lee Fellow in Experimental Criminology and Teaching Associate in the Police Executive Programme, Cambridge University

Chief Tony Farrar, Executive Fellow, Police Foundation & Chief of Police, Rialto Police Department

Tags: Fellows Technology Evaluation New Publication

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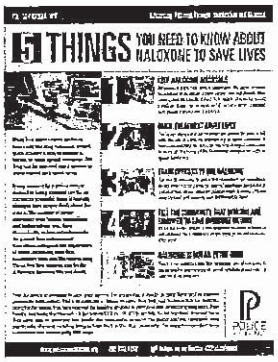

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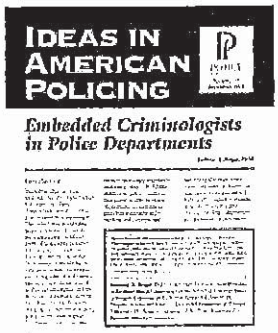

Shift Length Experiment

POLICE FOUNDATION

Advancing Policing Through Innovation & Science

Body-worn camera study by Executive Fellow Chief Tony Farrar is published in scientific journal

A study on the effects of body-worn cameras on police use-of-force that was produced by Police Foundation Executive Fellow Tony Farrar, Chief of the Rialto (CA) Police Department, has been published in the Journal of Quantitative Criminology, a scientific publication. The article has received nationwide recognition as the only scientific study of how body-worn cameras affect police interaction with the public.

The journal article, written by Farrar and his fellow researchers Dr. Arial Barak and Dr. Alex Sutherland of Cambridge University (UK), features the study that was first released by the Police Foundation under the title "Self-Awareness to Being Watched and Socially-Desirable Behavior: A Field Experiment on the Effects of Body-Worn Cameras on Police Use-of-Force." The study, which has been widely cited by national media over the past year, gained new attention because of the scientific journal article.

The study was one of three international winners of the 2014 IACP/Motorola Solutions Webber Seavey Award for Excellence in Law Enforcement presented at the International Association of Chiefs of Police Annual Conference in Orlando in October. The award recognizes law enforcement agencies that have developed innovative programs within their communities to address a specific need. The study also won the 2013 Award for Excellence in Evidence-Based Policing from the Society of Evidence-Based Policing at its 2013 conference at the University of Cambridge (UK).

In an article announcing the new Journal of Quantitative Criminology article, Cambridge University said the experiment "showed that evidence capture is just one output of body-worn video, and the technology is perhaps most effective at actually preventing escalation during police-public interactions: whether abusive behaviour towards police or unnecessary use-of-force by police."

During the 12-month Rialto experiment, use-of-force by officers wearing cameras fell by 59 percent and complaints against officers dropped by 87 percent compared to the previous year's totals, the article states.

The study prepared by Chief Farrar has been widely cited during the on-going debate about how to improve relations between police and the communities they serve in the wake of the shootings of unarmed men during encounters with police. President Obama urged police departments to consider the technology, and asked Congress to provide funding for 50,000 body-worn cameras nationwide.

Chief Farrar said he is pleased that his research has played a role in furthering the discussion on body-worn cameras.

"I am truly honored to be part of a research study that has had such a significant impact on the policing profession; not just locally, but across the United States and around the world," Chief Farrar said.

Dr. Ariel Barak is the Jerry Lee Fellow in Experimental Policing at the Institute of Criminology at Cambridge University. Dr. Alex Sutherland is a Research Associate at the Institute of Criminology at Cambridge. Chief Farrar attended the Police Executive Programme at Cambridge and received a Masters Degree in Criminology from the program in 2013.

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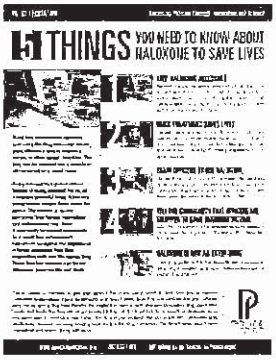

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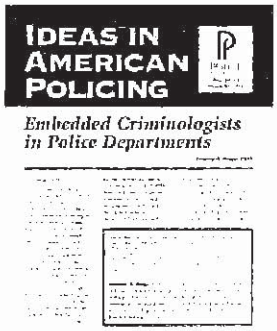

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Journal of Quantitative Criminology
November 2014
Date: 19 Nov 2014

The Effect of Police Body-Worn Cameras on Use of Force and Citizens' Complaints Against the Police: A Randomized Controlled Trial

Abstract

Objective

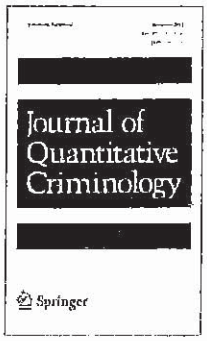
Police use-of-force continues to be a major source of international concern, inviting interest from academics and practitioners alike. Whether justified or unnecessary/excessive, the exercise of power by the police can potentially tarnish their relationship with the community. Police misconduct can translate into complaints against the police, which carry large economic and social costs. The question we try to answer is: do body-worn-cameras reduce the prevalence of use-of-force and/or citizens' complaints against the police?

Methods

We empirically tested the use of body-worn-cameras by measuring the effect of videotaping police–public encounters on incidents of police use-of-force and complaints, in randomized-controlled settings. Over 12 months, we randomly-assigned officers to "experimental-shifts" during which they were equipped with body-worn HD cameras that recorded all contacts with the public and to "control-shifts" without the cameras (n = 988). We nominally defined use-of-force, both unnecessary/excessive and reasonable, as a non-desirable response in police–public encounters. We estimate the causal effect of the use of body-worn-videos on the two outcome variables using both between-group differences using a Poisson regression model as well as before-after estimates using interrupted time-series analyses.

Results

We found that the likelihood of force being used in control conditions were roughly twice those in experimental conditions. Similarly, a pre/post analysis of use-of-force and complaints data also support this result: the number of complaints filed against officers dropped from 0.7 complaints per 1,000 contacts to 0.07 per 1,000 contacts. We discuss the findings in terms of theory, research methods, policy and future avenues of research on body-worn-videos.



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The New York Times

April 6, 2013

Wearing a Badge, and a Video Camera

By RANDALL STROSS

HERE'S a fraught encounter: one police officer, one civilian and anger felt by one or both. Afterward, it may be hard to sort out who did what to whom.

Now, some police departments are using miniaturized video cameras and their microphones to capture, in full detail, officers' interactions with civilians. The cameras are so small that they can be attached to a collar, a cap or even to the side of an officer's sunglasses. High-capacity battery packs can last for an extended shift. And all of the videos are uploaded automatically to a central server that serves as a kind of digital evidence locker.

William A. Farrar, the police chief in Rialto, Calif., has been investigating whether officers' use of video cameras can bring measurable benefits to relations between the police and civilians. Officers in Rialto, which has a population of about 100,000, already carry Taser weapons equipped with small video cameras that activate when the weapon is armed, and the officers have long worn digital audio recorders.

But when Mr. Farrar told his uniformed patrol officers of his plans to introduce the new, wearable video cameras, "it wasn't the easiest sell," he said, especially to some older officers who initially were "questioning why 'big brother' should see everything they do."

He said he reminded them that civilians could use their cellphones to record interactions, "so instead of relying on somebody else's partial picture of what occurred, why not have your own?" he asked. "In this way, you have the real one."

Last year, Mr. Farrar used the new wearable video cameras to conduct a continuing experiment in his department, in collaboration with Barak Ariel, a visiting fellow at the Institute of Criminology at the University of Cambridge and an assistant professor at Hebrew University.

Half of Rialto's uniformed patrol officers on each week's schedule have been randomly assigned the cameras, also made by Taser International. Whenever officers wear the cameras, they are expected to activate them when they leave the patrol car to speak with a civilian.

A convenient feature of the camera is its "pre-event video buffer," which continuously records and holds the most recent 30 seconds of video when the camera is off. In this way, the initial activity that prompts the officer to turn on the camera is more likely to be captured automatically, too.

THE Rialto study began in February 2012 and will run until this July. The results from the first 12 months are striking. Even with only half of the 54 uniformed patrol officers wearing cameras at any given time, the department over all had an 88 percent decline in the number of complaints filed against officers, compared with the 12 months before the study, to 3 from 24.

Rialto's police officers also used force nearly 60 percent less often — in 25 instances, compared with 61. When force was used, it was twice as likely to have been applied by the officers who weren't wearing cameras during that shift, the study found. And, lest skeptics think that the officers with cameras are selective about which encounters they record, Mr. Farrar noted that those officers who apply force while wearing a camera have always captured the incident on video.

As small as the cameras are, they seem to be noticeable to civilians, he said. "When you look at an officer," he said, "it kind of sticks out." Citizens have sometimes asked officers, "Hey, are you wearing a camera?" and the officers say they are, he reported.

But what about the privacy implications? Jay Stanley, a senior policy analyst at the American Civil Liberties Union, says: "We don't like the networks of police-run video cameras that are being set up in an increasing number of cities. We don't think the government should be watching over the population en masse." But requiring police officers to wear video cameras is different, he says: "When it comes to the citizenry watching the government, we like that."

Mr. Stanley says that all parties stand to benefit — the public is protected from police misconduct, and officers are protected from bogus complaints. "There are many police officers who've had a cloud fall over them because of an unfounded accusation of abuse," he said. "Now police officers won't have to worry so much about that kind of thing."

Mr. Farrar says officers have told him of cases when citizens arrived at a Rialto police station to file a complaint and the supervisor was able to retrieve and play on the spot the video of what had transpired. "The individuals left the station with basically no other things to say and have never come back," he said.

The A.C.L.U. does have a few concerns about possible misuse of the recordings. Mr. Stanley says civilians shouldn't have to worry that a video will be leaked and show up on CNN. Nor

would he approve of the police storing years of videos and then using them for other purposes, like trolling for crimes with which to charge civilians. He suggests policies specifying that the videos be deleted after a certain short period.

A spokesman for Taser International said it had received orders from various police departments, including those in Pittsburgh, Salt Lake City and Hartford, as well as Fort Worth, Tex.; Chesapeake, Va.; and Modesto, Calif. In the San Francisco Bay Area, the police department of BART, the transit system, has bought 210 cameras and is training its officers in their use, part of changes undertaken after a BART police officer's fatal shooting of an unarmed man in 2009.

Before the cameras, "there were so many situations where it was 'he said, she said,' and juries tend to believe police officers over accused criminals," Mr. Stanley says. "The technology really has the potential to level the playing field in any kind of controversy or allegation of abuse."

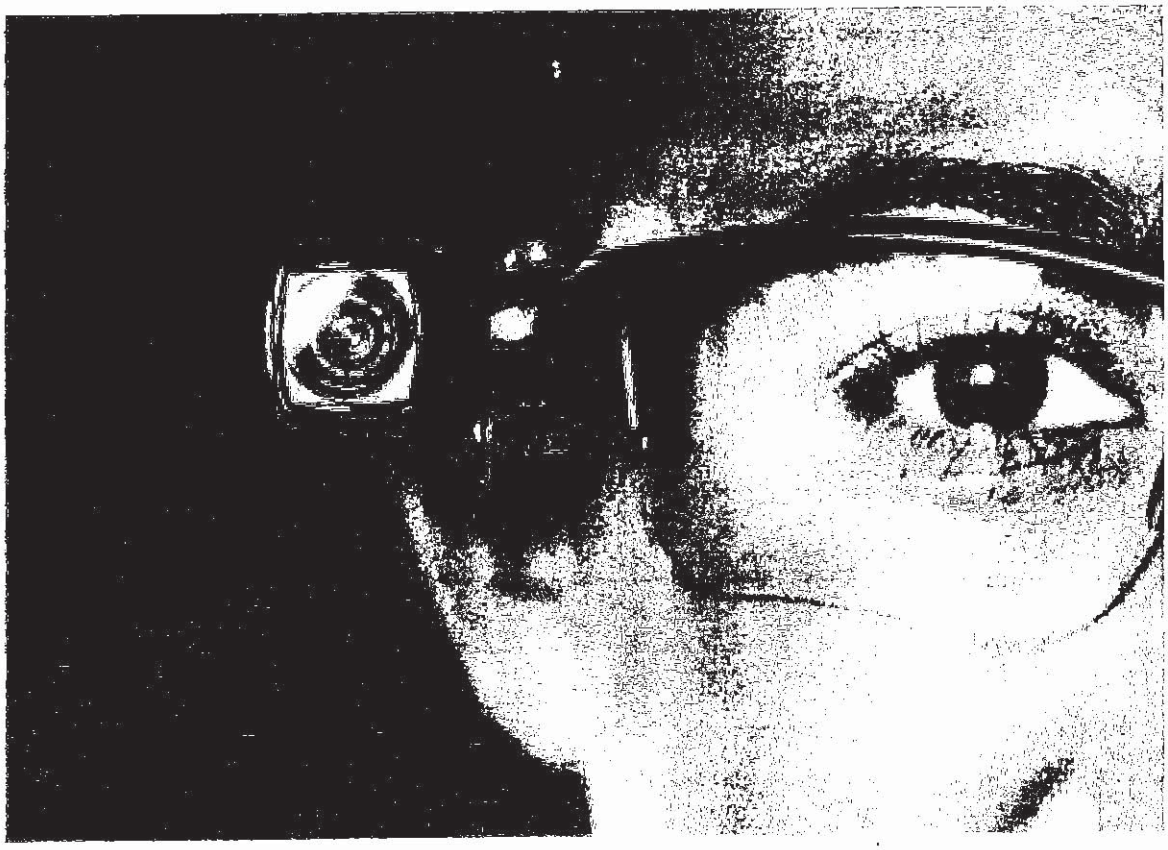
Mr. Farrar recently completed a master's degree in applied criminology and police management at the University of Cambridge. (It required only six weeks a year of residency in England.) And he wrote about the video-camera experiment in his thesis.

He says his goal is to equip all uniformed officers in his department with the video cameras. "Video is very transparent," he said. "It's the whole enchilada."

Randall Stross is an author based in Silicon Valley and a professor of business at San Jose State University. E-mail: stross@nytimes.com.

K

A Report on Body-Worn Cameras
by Eugene P. Ramirez



A REPORT ON BODY WORN CAMERAS

BY EUGENE P. RAMIREZ[1]

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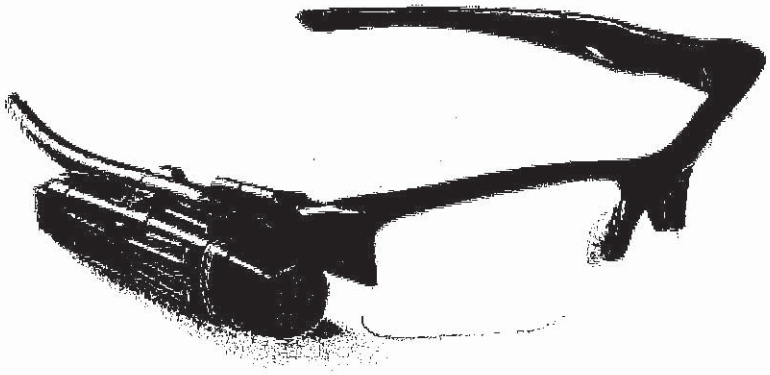
BODY WORN CAMERAS

Technology is changing the role of law enforcement on a daily basis. The latest technology is having a profound impact on policies and procedures, on weapons systems, and even on how officers perform their daily duties. Yet, even with the latest technology available, the actions and tactics of law enforcement are constantly being criticized by the media and members of the public. Oftentimes juries return large verdicts against law enforcement agencies. However, a new law enforcement tool may actually reduce exposure to litigation and unwarranted citizens' complaints. A new paradigm for law enforcement should be one of accountability and transparency. One current way to assist law enforcement in being more accountable is by requiring officers to use a Body Worn Camera ("Body Cam" or "BWC"). The implementation of Body Cams is currently causing a worldwide debate across groups such as the Police Foundation, the International Association of Chiefs of Police, the Police Executive Research Forum and the American Civil Liberties Union.



This one aspect of law enforcement is poised to have huge ramifications for how law enforcement interacts with its citizenry. Both law enforcement and local communities stand to benefit from the deployment of BWCs.

There is no doubt that policies dealing with BWCs will become living and breathing documents that will evolve as the boundaries of this new technology are pushed.

News media are replete with stories, almost on a daily basis, regarding law enforcement agencies across the world that now require an officer to use a BWC. Once again, California leads the way in deploying this new technology to help combat crime and reduce the exposure to litigation.

The City of Rialto, located in the Inland Empire area of Southern California, was the first known police department to conduct a thorough study on the effects of using BWCs. The Rialto Study[2] is cited across the world in arguments that support law enforcement adopting the new technology. The Los Angeles Police Department, the Los Angeles County Sheriff's Department, and the Minneapolis Police Department, as many agencies, announced that they too will begin to test the BWCs as part of patrol operations.[3]

In August, 2013 Federal Judge Shira Scheindlin ruled that New York Police Department's stop-and-frisk program was unconstitutional, yet she recommended the possible use of BWCs on a limited basis.[4]

"While the logistical difficulties of using body-worn cameras will be greater in a larger police force, the potential for avoiding constitutional violations will be greater as well," Scheindlin wrote.

Although the Second Circuit stayed Scheindlin's order,[5] the trend to deploy BWCs continues to move forward and raises valid questions regarding the use of such equipment. Primary issues include:

- Who and what should be recorded?
- When do officers hit "record"?
- When do officers hit "stop"?
- Are there any exemptions to recording?
- How will video be stored?
- Who can access the video?
- When and how will videos be released to the public?
- What privacy issues are involved?

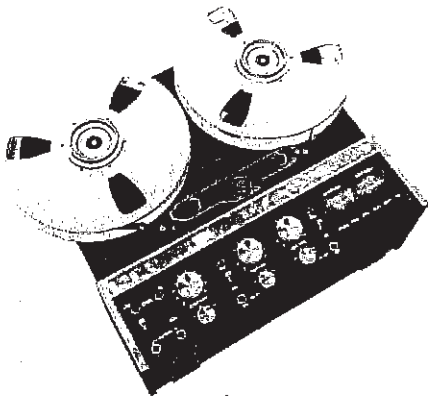
Law enforcement agencies around the world are now delving into using BWCs. The decision to implement the use of body cams is merely an extension of the use of dash-mounted video cameras and audio recorders, both of which have been in use for years. The use of BWCs

will prove to be of great value to those agencies who deploy the new technology. However, the decision to deploy BWCs is not without controversy.

In the expectation that many agencies will determine that the deployment of BWCs is the right thing to do, this article will review suggested policy language, citing to both a recent PERF Conference and a recently released ACLU study on the use of BWCs.

CALIFORNIA: THE TWO-PARTY CONSENT STATE

It is important to determine whether a particular state is a one-party consent state or a two-party consent state. For example, in a two-party consent state, such as the State of California, when a person records the audio of a conversation, all parties involved in the conversation must consent. Failure to gain consent from all parties involved in the conversation may be a crime.



For example, California Penal Code Section 632 makes it illegal for a person to record a confidential communication without the consent of all parties to that communication. However, California Penal Code section 633, has an express exemption for law enforcement. Section 633 clarifies the exception by emphasizing that Section 632 does not prohibit any police officer from overhearing or recording any communication that they could lawfully overhear or record.

In other words, if an officer is legally allowed to be where they are, there is no state law that prohibits the officer from recording their interaction(s). This is supported by caselaw that explains a person has no expectation of privacy when they are engaged in an interaction with police (i.e., no expectation of privacy in the back of a police car, in jail, etc.). *See People v. Lucero*, 190 Cal. App. 3d 1065 (1987) (use of a hidden recording device in police car does not violate the Sixth Amendment and a criminal suspect in a police car does not have the reasonable expectation of privacy that is required to invoke constitutional protection).

What if an officer is inside someone's home? The answer should be the same. If the officer lawfully enters a home because of a warrant, consent, or exigent circumstances, then persons inside the home have no expectation of privacy. Therefore, no state law or

constitutional provision exists that prohibits audio recording. While there does not appear to be any case that specifically addresses Federal Constitutional privacy concerns with a camera worn by a police officer, the Ninth Circuit has held, "Video surveillance does not in itself violate a reasonable expectation of privacy. Videotaping of suspects in public places, such as banks, does not violate the Fourth Amendment; the police may record what they normally may view with the naked eye." *United States v. Taketa*, 923 F.2d 665 (9th Cir. 1991).

The cases where courts have found a constitutional violation when police videotape usually involve circumstances when an officer uses a hidden camera or a home is monitored 24 hours per day with surveillance equipment. *See United States v. Cuevas-Sanchez*, 821 F.2d 248, 251 (5th Cir. 1987) ("the installation of a surveillance camera on a power pole to videotape activities in a suspect's backyard constitutes a 'search' within the meaning of the Fourth Amendment" and "raises the spectre of the Orwellian state."). A person would not have the same expectation of privacy if in the presence of an officer, nor would a recording be as intrusive.

THE RIALTO STUDY

Although law enforcement has been recording citizens for years with audio recorders and dash-mounted video cameras, the use of Body Cams is relatively new for law enforcement. The first "true" study on the use of BWCs was conducted in Southern California by the City of Rialto Police Department. The research was conducted by Rialto's Police Chief Tony Farrar during his studies at Cambridge University in the United Kingdom. Farrar's findings are documented in his graduate thesis: The Inescapable Panopticonic Gaze: The Effect of Body-Worn Cameras On Police Use-Of-Force.

The study analyzed the use of Body Cams during the officers' shifts. Two study groups were created. The first group, named Experimental-Shifts, required each officer to wear a high definition Body Cam during his/her shift. The Body Camera recorded all of the officer's interactions with the public. The second group, named Control-Shifts, consisted of officers that were instructed not to use body cameras during their shifts. Integrity of assignment was

measured by the number of footage-hours against the assigned shifts as well as dip-sampling dates of footage and ascertaining that officers wore cameras as assigned.

Shifts were randomly allocated to treatment and control conditions, using the Cambridge Randomizer, on a weekly basis. As most law enforcement chief executives now know, the major findings of the Rialto Study are as follows:

- Use of BWCs reduced use-of-force incidents by **59 percent**
- Use of BWCs reduced citizens' complaints by **87.5 percent**

These results are now being used by law enforcement agencies across the world to support the use of BWCs. The background of the study is discussed more thoroughly below.

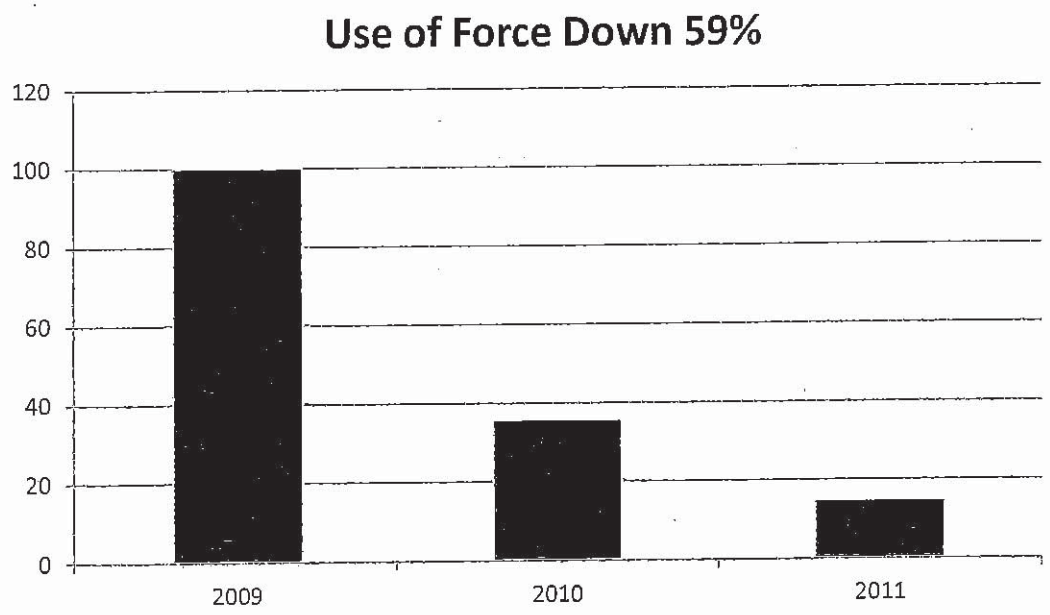
The Rialto Police Department is a mid-sized police department that has jurisdiction over 28.5 square miles and services a population of 100,000 residents. The department employs 115 sworn police officers and 42 non-sworn personnel who deal with approximately 3,000 property crimes and 500 violent crimes per year. In 2009-2011, the department dealt with 6 to 7 homicides per year, which is nearly 50 percent higher than the national rate.

The City of Rialto collaborated with TASER International, Inc. to provide Rialto's front line officers with high definition Body Cams. The cameras captured video evidence from the officers' perspectives. The BWCs weighed 108 grams and were small enough to place on an officer's shirt pocket, hat, collar, shoulder, or a specially designed camera mounted to sunglasses manufactured by Oakley, Inc. The units were water resistant, the videos were in full color, and the battery life provided for 12 hours of recording— ideal for the shift patterns of the Rialto Police Department.

All data from the body cameras was collated using a web-based computerized video management system developed by EVIDENCE.com. The software tracked and inventoried all evidence captured by the body cams. The system automatically uploaded all of the officers' videos at the end of their shifts and a research team was granted full access to the data.

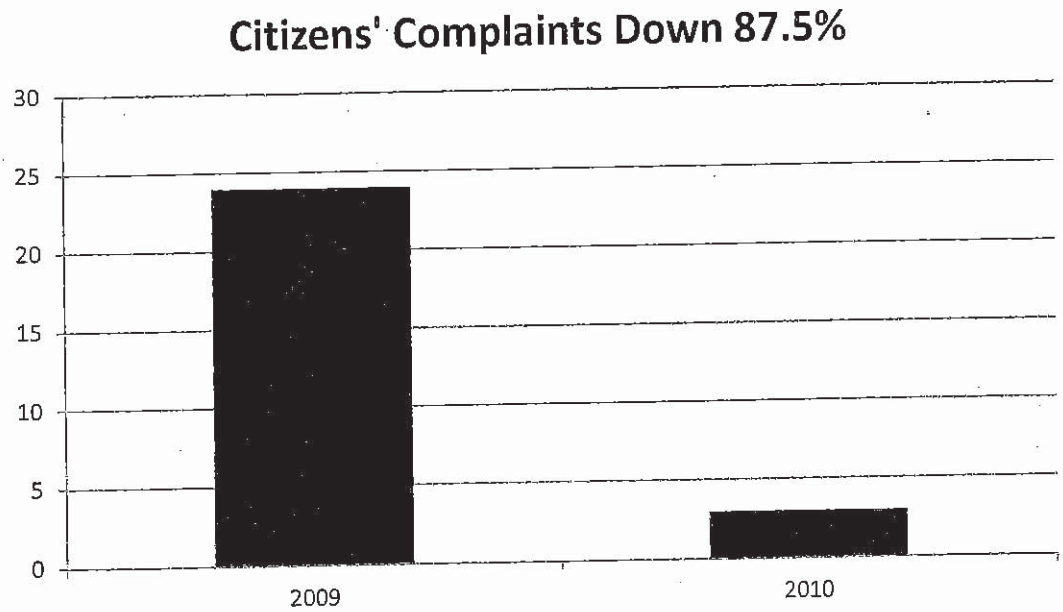
During the experimental period, a total of 25 incidents of police uses-of-force were recorded by Rialto Police Department, of which 17 occurred during control shifts and 8 during experimental shifts. These represent a mean rate of 0.78 and 0.33 incidents per 1,000 police

interactions with the public, respectively. Based on these figures, the model used by Rialto suggests a significant treatment effect on use-of-force. Shifts without cameras were twice as likely to experience incidents of use-of-force as shifts with cameras.



The City also detected large before-and-after reductions in the prevalence of use-of-force incidents: A 64.28 percent reduction from 2009, 61.53 percent from 2010, and 58.33 percent from 2011. The City found that the rate of use-of-force incidents per 1,000 contacts was reduced by 2.5 times in comparison to 12 months prior to the experimental period. Rialto noticed a sizable reduction in the number of citizens' complaints against its officers as well.

The City documented an overall reduction in terms of citizens' complaints. One year prior to the study, citizens filed 24 complaints. During the study, citizens only filed 3 complaints. This broke down to 0.70 complaints per 1,000 interactions compared to .069 per 1,000 interactions. The raw year-to-year reductions suggests 91.66% fewer cases compared to 2009, 94.11 percent compared to 2010, and 89.28 percent compared to 2011. The outcome of the Rialto Study documents more than a 50 percent reduction in the total number of incidents of use-of-force compared to control conditions and over 60 percent compared to any of the three years prior to the study. The City also observed nearly 10 times as many citizens' complaints one year prior to the study compared to any of the three years prior to the experiment. Therefore, the Rialto Study provides law enforcement agencies with a methodology to substantially reduce any sort of force response.

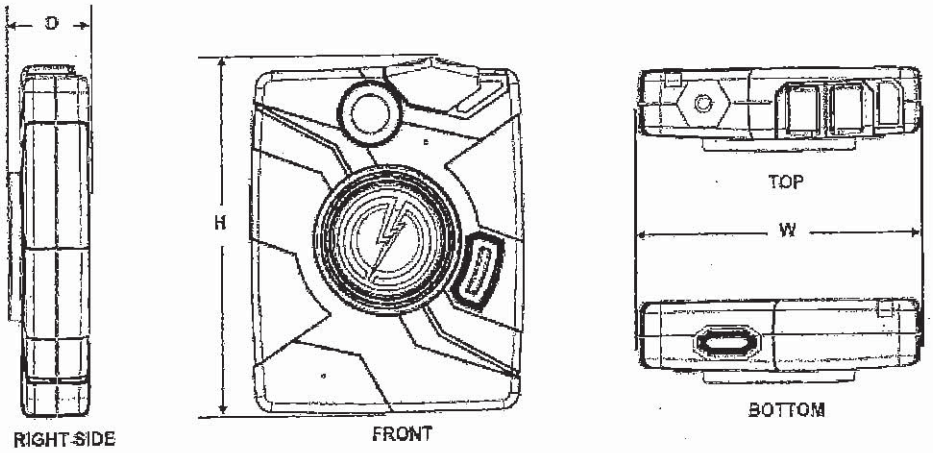


The Rialto Study concludes that "if one is not interested in the causal mechanism behind a 90 percent reduction in citizens' complaints and 59 percent reduction in any form of official use-of-force, this behavioral modification is of real practical significance to the police, especially given the cost-to-benefit ratios [citation omitted]. We therefore envisage that body-worn cameras will dramatically change police-public encounters."

The Rialto Study states that one impetus to conduct this study was to save money on litigation costs and the expenses associated with incidents involving use-of-force and citizens' complaints. Both justified and frivolous complaints against the police cost a great deal of money in terms of both jury verdicts and out-of-court settlements. The City of Rialto recognized that investigating these incidents was also resource-intensive, not to mention the social and moral costs involved in such use-of-force incidents.

The Rialto Study cited to various statistics to support its claim that the BWCs would reduce litigation costs. The study points to a report that the "UK Metropolitan Police have spent £9M in six years in compensation to settle 915 complaints over police actions (BBC, 11 May 2012) – or about £10,000 per complaint. In Minneapolis, complaints investigated by the Internal Affairs Division cost an average of $6,278; in Berkeley, California, about $8,571 per case; and Pittsburgh, Pennsylvania, roughly $872 per case (Minneapolis Civilian Review Authority 1997; Walker, Archbold and Herbst 2002). Unadjusted for inflation, according to the study, these sums are still quite substantial, not the least being when they are substantiated and

suggest unnecessary or excessive use of police power. To these sums, one should also add oversight costs, which at least according to some estimates from nine jurisdictions (Finn 2001) mount to $1,908 for each complaint (filed and investigated). Very crudely, and disregarding accounting mistakes, this suggests to us that the direct costs of citizens' complaints is roughly in the area of $20,000 per complaint."



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Based upon the above statistics, the City believes it saved direct costs of 21 complaints (the difference between before and after the experiment), or about $400,000. To put these figures in perspective, the total cost for Rialto Police Department to purchase the body cameras was a little over $90,000. These direct costs included 70 complete video camera units and mounts (including spares), charging/ docking stations, the video management and data upload and tracking system, along with training for the trainers, technicians, and each officer. This suggests that the direct benefit to cost ratio is approximately $4 saved for every $1 spent on the cameras. Furthermore, if citizens' complaints are reliable proxies of use-of-force incidents, then a high number of complaints can also be a proxy of potential hazards to the already delicate relations between the police and the community served.

According to the Rialto Study, "there are hidden social and ethical costs to the inescapable panopticonic gaze itself. If BWCs become common, it means more electronic surveillance, more digitized tagging of individuals, and arguably more challenges to privacy rights. This was certainly the argument against CCTV, as there are clear ethical considerations to having a data storage policy that routinely collects data on citizens in the public domain [citations omitted]."

The Rialto Study makes sure to distinguish Closed Circuit Television ("CCTV") from the use of BWCs. But the moral argument against CCTV is not in the same scope and magnitude when it comes to BWCs. CCTV surveillance captures the daily and routine behavior of citizens, whose consent is not obtained prior to the recording. This indeed can be a source of concern, even though the public safety benefits may overshadow the potential compromise of human rights. But police-public encounters are often involuntary, especially when considering that a substantial proportion of a police officer's interactions are with suspects and/or offenders. By definition, a suspect's rights are debilitated, insomuch as a suspect does not have the right not to be videotaped when under investigation in police stations. Likewise, victims and witnesses should expect that their conversations with police officers are official and recordable communications.

The Rialto Study recognized there are situations in which police interactions should not necessarily be videotaped (e.g. interactions with minors, sexually-based offenses, and informal conversations with officers). However, the Rialto Study recognized an overall benefit to recording police interactions with the public that justifies the perceived moral costs.

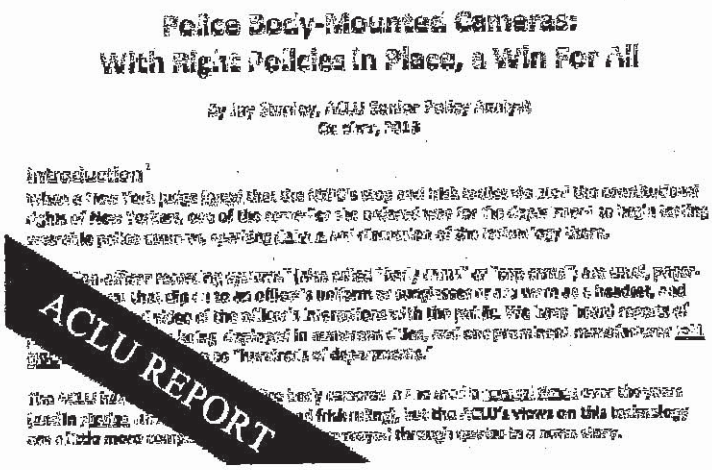
THE ACLU'S REPORT ON BODY WORN CAMERAS

The American Civil Liberties Union released its white paper on the use of BWCs in October 2013. In the report entitled Police Body-Mounted Cameras: With Right Policies in Place, a Win For All[6], the ACLU takes the position that while it does not like the increased use of video cameras to keep tabs on citizens, it does recognize that such video cameras can result in the reduction of use-of-force incidents. Therefore, the cameras will assist in holding law enforcement more accountable to the community.

The ACLU and law enforcement both recognize that the use of BWCs have both positive and negative aspects. Therefore, the proper policies and training on the use of BWCs will have to be an important component in the deployment of the new technology. As stated by the ACLU, "[t]he challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but only if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of

the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks."

The ACLU lists several concerns over the use of BWCs including the Control of Recording. The ACLU is troubled by the ability of officers to determine what they record. "[P]olicies and technology must be designed to ensure that police cannot edit on the fly (i.e., choose which encounters to record with limitless discretion). If police are free to turn the cameras on and off as they please, the cameras' role in providing a check and balance against police power will shrink and they will no longer become a net benefit."


Police Body-Mounted Cameras:
With Right Policies in Place, a Win For All

Introduction

ACLU REPORT

The ACLU opines that officers should have the videos recording continuously for the duration of an officer's shift. Such a policy, in their opinion, would ensure that an officer would not avoid recording an event that could be troubling for an officer. "If the cameras do not record continuously, that would place them under officer control, which would create the danger that they could be manipulated by some officers, undermining their core purpose of detecting police misconduct."

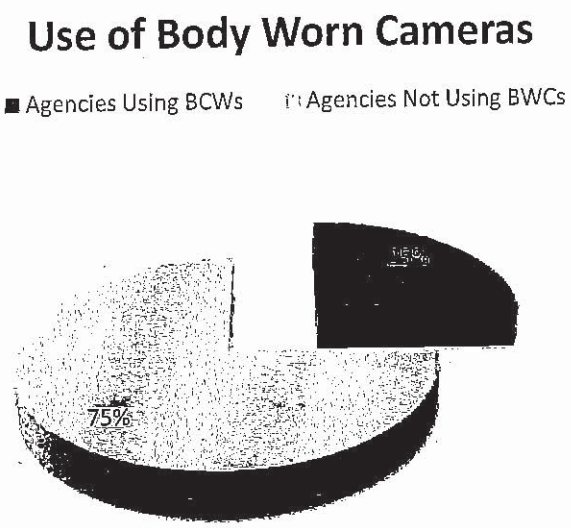
Requiring an officer to keep the video on for the duration of the shift, however, is not practicable. The officers also have privacy issues, such as using the restroom facilities, being able to talk in their patrol car with their partner about station issues and their personal lives. There obviously has to be a balance struck.

Even the ACLU recognizes that there are problems with requiring the officers to keep the videos on the entire shift.

> "The balance that needs to be struck is to ensure that officers can't manipulate the video record, while also ensuring that officers are not subjected to a relentless regime of surveillance without any opportunity for shelter from constant monitoring."

POLICE EXECUTIVE RESEARCH FORUM'S STUDY

In 2013, the Police Executive Research Forum ("PERF") conducted a survey among departments regarding the use of BWCs. The purpose of the survey was to measure police department usage of body cameras across the country and identify the major issues associated with such use. Out of the 500 agencies that received survey invitations, only 254 agencies responded—a 50 percent response rate. The survey provided the following results:



Of the 254 responding agencies, 75 percent do not currently use BWCs. Of the 254 responding agencies, only 63 agencies (25 percent) currently use body-worn cameras. Nearly one-third of agencies that use BWCs do not possess written policies.

Not surprisingly, according to the survey results, the primary reason why departments obtain body cameras for agency personnel is: "to provide accurate documentation of encounters."

PERF intends to develop a model policy regarding the use of BWCs. During the PERF Conference on the use of such cameras, held on Sept 11, 2013, in Washington D.C., both the positive and negative aspects of the BWCs were discussed.

It is interesting to note that there were police departments represented from around the world at the PERF Conference. Many agencies present were already using BWCs. Based on some questions asked, it was apparent that many agencies did not have tailored policies and many did not have any policies at all to regulate the use of BWCs. Some of the agencies seemed to have a policy of "Record Everything, All The Time". Law Enforcement Agencies, therefore, have a unique opportunity to develop cutting-edge policies that can be the model for other agencies.

The most obvious benefit from wearing BWCs is that law enforcement will be seen as being more transparent and holding itself out as more accountable. The use of BWCs will also assist in exonerating officers who are targets of citizens' complaints and, hopefully, will reduce the number of lawsuits against a department.

The use of BWCs will assist law enforcement managers with identifying and correcting systemic problems or individual officer issues. Supervisors, who view the videos as part of their duties, will be able to use the videos as a teaching tool to train officers on proper strategies and techniques.

Many agencies are touting the use of BWCs for making them more efficient in crime solving. The video will be able to capture valuable evidence for investigations and trials. The video footage will also provide more accurate documentation of scenes, interviews, and encounters between police and citizens.

While there are certainly benefits to be achieved from the use of BWCs, there are issues that need to be addressed by a department before deploying its officers equipped with such cameras. For example, a department has to ensure that its officers "buy in" to the program, which means discussions must be held with the police union before BWCs are instituted. Otherwise, needless litigation and a "Big Brother" mentality will become issues.

The challenge will be to avoid the appearance of routinely second guessing actions of personnel, or "head-hunting" of particular officers by supervisors/management. The video itself will not tell the "whole story" of what took place, just a snippet of what occurred. There must still be an investigation as to what the officer believed and what other facts surround an incident. Wholesale reliance on a video will not do justice to anyone without a full investigation.

The issue of officer buy-in was recently reported in an article in the Las Vegas Sun, regarding Las Vegas Metro Police Department buying and deploying BWCs.[7]
"Four hundred Metro Police officers soon will add an extra gadget to their ensemble: on-body cameras, a long-discussed endeavor department leaders call the wave of the future. A pilot program based in two area commands, one in the northeast valley and another in West Las Vegas, will launch by February, department officials said. The initiative, however, comes with a compromise meant to appease the police union: It's a voluntary program, except for officers

hired after July 11. They will be required to wear the cameras. 'I don't want to go to court,' Sheriff Doug Gillespie said, explaining the rationale behind the compromise."

Of course, the biggest issue to be addressed before body cameras are deployed is one of privacy. The issue is twofold:

- Should citizens have an expectation of privacy?
- Should officers have an expectation of privacy?

THE ACLU & PRIVACY RIGHTS

The ACLU is particularly concerned over privacy rights. They fear that the use of body cameras may result in instances of entirely innocent behavior (on the part of both officers and the public) being recorded, with significant privacy implications. In particular, the most troubling aspect of recording will occur when camera-equipped officers are inside people's homes, whenever police enter — including in instances of consensual entry (e.g., responding to a burglary call, voluntarily participating in an investigation) and such things as domestic violence calls.

Civil rights groups are concerned that videos from BWCs, like videos from currently used dash-mounted cameras, may be publicly released for no important public reason, and instead serve only to embarrass individuals. Obviously, the public has seen recent examples of this, including DUI stops of celebrities and ordinary individuals whose troubled and/or intoxicated behavior have been widely circulated and now immortalized online. Civil rights groups believe the potential for embarrassing and titillating releases of video is significantly increased by the use of BWCs.

Department Body Worn Camera policies, therefore, become vital to ensure that any deployment of the cameras be accompanied by strong privacy policies so that the benefits of the technology are not outweighed by any invasions of privacy.

ACLU RECOMMENDATIONS

The ACLU advocates that most privacy protections will have to come from restrictions on subsequent retention and use of the recordings. The ACLU recommends the following policies to assist a department in protecting privacy rights:

> "(1) Recording should be limited to uniformed officers and marked vehicles, so people know what to expect. An exception should be made for SWAT raids and similar planned uses of force when they involve non-uniformed officers.
>
> (2) Officers should be required, wherever practicable, to notify people that they are being recorded (similar to existing law for dash cams in some states). One possibility departments might consider is for officers to wear an easily visible pin or sticker saying "lapel camera in operation" or words to that effect.
>
> (3) Although if the preceding policies are properly followed it should not be possible (sic), it is especially important that the cameras not be used to surreptitiously gather intelligence information based on First Amendment protected speech, associations, or religion.
>
> (4) Because of the uniquely intrusive nature of police recordings made inside private homes, officers should be required to be especially sure to provide clear notice of a camera when entering a home, except in circumstances such as an emergency or a raid. Departments might also consider a policy under which officers ask residents whether they wish for a camera to be turned off before they enter a home in non-exigent circumstances. (Citizen requests for cameras to be turned off should themselves be recorded to document such requests.) Cameras should never be turned off in SWAT raids and similar police actions."

The ACLU recommends the following policy language regarding document retention issues:

"Data should be retained no longer than necessary for the purpose for which it was collected. For the vast majority of police encounters with the public, there is no reason to preserve video evidence, and those recordings therefore should be deleted relatively quickly.

Retention periods should be measured in weeks, not years, and video should be deleted after that period unless a recording has been flagged. Once a recording has been flagged, it would then switch to a longer retention schedule (need to follow state law requirements).

These policies should be posted online on the department's website, so that people who have encounters with police know how long they have to file a complaint or request access to footage.

Flagging should occur automatically for any incident:

- involving a use-of-force;
- that leads to detention or arrest; or
- where either a formal or informal complaint has been registered.

Any subject of a recording should be able to flag a recording, even if not filing a complaint or opening an investigation.

Police department personnel (including internal affairs investigators and supervisors) and third parties should also be able to flag an incident if they have some basis to believe police misconduct has occurred or have reasonable suspicion that the video contains evidence of a crime. We do not want the police or gadflies to be able to routinely flag all recordings in order to circumvent the retention limit.

If any useful evidence is obtained during an authorized use of a recording, the recording would then be retained in the same manner as any other evidence gathered during an investigation.

Back-end systems to manage video data must be configured to retain the data, delete it after the retention period expires, prevent deletion by individual officers, and provide an unimpeachable audit trail to protect chain of custody, just as with any evidence."

The ACLU is very concerned with the public release of camera footage. The ACLU wants
law enforcement to be able to balance the need for oversight and accountability with the need to maintain privacy of individuals. To that end, the ACLU has provided the suggested policy language:

"Public disclosure of any recording should be allowed with the consent of the subjects, as discussed above.

Redaction of video records should be used when feasible – blurring or blacking out of portions of video and/or distortion of audio to obscure the identity of subjects. If recordings are redacted, they should be disclosable.

Unredacted, unflagged recordings should not be publicly disclosed without consent of the subject. These are recordings where there is no indication of police misconduct or evidence of a crime, so the public oversight value is low. States may need to examine how such a policy interacts with their state open records laws.

Flagged recordings are those for which there is the highest likelihood of misconduct, and thus the ones where public oversight is most needed. Redaction of disclosed recordings is preferred, but when that is not feasible, unredacted flagged recordings should be publicly disclosable, because in such cases the need for oversight outweighs the privacy interests at stake."

ARE THERE EXEMPTIONS TO WEARING A BODY WORN CAMERA?

There is little debate that all patrol officers should be issued BWCs. Patrol officers have the most contact with members of the community and, therefore, would receive the most benefit of having a Body Worn Camera to record their interactions, such as traffic stops and other encounters that could result in a use of force situation or potential citizen complaint. It is in these daily citizen encounters where the BWCs will justify their costs.

There is justified debate as to whether some units, other than patrol, should be exempted from wearing BWCs. Do detectives need to wear BWCs as they conduct their day to day activities? The reality is that they do not need to wear BWCs, absent extenuating circumstances, such as making an arrest.

The issue of whether tactical teams and patrol dog teams should deploy with BWCs is more problematic. While agencies may feel that all law enforcement units should deploy with BWCs, care must be taken to determine whether such a mandate is feasible or even appropriate. Issues such as intelligence gathering and tactics being compromised must be discussed before determining whether BWCs should be worn by specialty units.

It might be impracticable for tactical team snipers to deploy with BWCs as they may be too far away for the cameras to be used and the cameras might even interfere with the abilities of the snipers to perform their duties. Likewise, it might be more advantageous for members of the entry team to deploy with audio recorders as opposed to BWCs. The audio recorders will record the knock and notice announcements and record the conversations that might take place inside a structure, without compromising tactics.

Caution must also be used when determining whether police service dog teams should deploy with BWCs. Testing should be conducted to ensure that the cameras do not interfere with the movements of the canine handler. Likewise, a balancing of interests must be engaged in before canine handlers deploy with a Body Worn Camera. If intelligence gathering techniques and tactics will be compromised by deploying a Body Worn Camera on a canine search, then perhaps the camera should not be deployed.

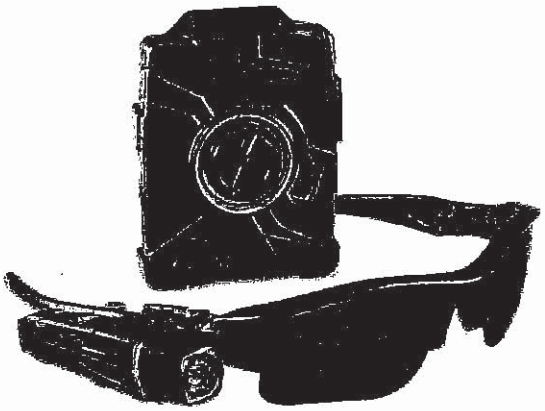
The deployment of BWCs on specialty units needs to be thoroughly vetted before such use occurs. Much of what occurs in law enforcement can be dangerous and visceral and members of the community may not appreciate and/or understand what is being shown on camera.

IN SUMMARY

The City of Los Angeles, through private donations, is going to equip all of its officers with BWCs. "At the end of the day, there's going to be lives saved, a whole lot of money saved, and a whole lot of legal hours saved," according to Steve Soboroff, president of the Los Angeles Police Commission.[8]

Surprisingly, the ACLU and PERF recommendations do not differ as much as one might expect. Both offer solid suggestions on building a workable BWC policy.

The use of BWCs would be an excellent tool to help modify the behavior of both the police and members of the community. In the event of a use of force incident, supervisors would be able to view what happened and determine whether any alleged misconduct occurred.



Some of the issues to be addressed include how will the video data be stored? Who will have access to the video data? And how often will the video data be reviewed to assess compliance with department policies and procedures? How will a state's Public Record Act request be handled, and who will make the final determination on whether a video should be released? There is also a legitimate concern over the costs associated with purchasing BWCs and the attendant costs associated with storing the collected data. Once these concerns are addressed and BWCs become the norm, additional issues may emerge, such as the deployment of video devices for specific tasks. For example, the use with tactical and canine teams.

There is a legitimate concern that local prosecutors will demand that all criminal cases filed have an accompanying video along with the other hard evidence. There will have to be discussions with the prosecutors to determine what happens if a video does not exist for whatever reason. Likewise, there needs to be a discussion on whether officers need to write reports on encounters where a video is involved or just document that a video exists of the incident.

There is no doubt the current trend in law enforcement is to deploy BWCs to help combat crime, to reduce citizens' complaints and to reduce use of force situations. The policies that will determine the use of the BWCs have to be tailored to meet the needs of a particular locale. While the cameras are necessary for the patrol setting, care must be taken in determining whether BWCs are appropriate for all law enforcement functions. "It's a very different world in policing small towns versus areas with major drug gangs and crime problems," said John Donohue, a Stanford Law School Professor.[9] With this is mind, the Los Angeles Police Department is beginning to deploy body cameras with its officers.

Based on evidence collected in the Rialto Study, the findings suggest that BWCs significantly reduce the prevalence of use-of-force by the police as well as citizens' complaints against the police. The use of the cameras has demonstrated the impact on the behavior of officers and citizens alike through the experience of being observed. This results in socially-desirable outcomes, most notably, the reduction in the use-of-force by police officers in police-public encounters. These reasons alone should compel the deployment of BWCs.

Technology is certainly impacting law enforcement in ways never thought possible just a few years ago. The use of BWCs is an opportunity to move forward with technology, in a reasonable expectation that law enforcement will actually benefit from the use of BWCs.

The major impediment to implementing BWCs, as previously discussed, is the issue of privacy. However, with proper training and the proper policies in place, this issue is not insurmountable. Law enforcement has successfully implemented the use of audio recordings and dash-mounted video systems for the past several years. The use of BWCs, therefore, should not be difficult to implement.

In the long run, the use of BWCs will prove to be a valuable tool for both law enforcement and the local community. However, it is just one tool among many and should not be thought to be the ultimate factor in judging the actions of officers. BWCs only provide one view of an incident. An officer will still have to explain his/her actions and then a determination must be made whether the ultimate decision made was reasonable under all of the circumstances presented to the officer.

ENDNOTES

[1] Eugene P. Ramirez, a founding member of the firm, graduated from Whittier College School of Law (J.D., 1987), where he was Notes & Comments Editor of the Law Review, a member of the Moot Court Honors Board and President of the Student Bar Association. At Whittier, he received an award as the Best Oral Advocate and the Outstanding Moot Court Graduate Award. He received his undergraduate degree in Political Science from California State University, Long Beach (B.A., 1983), where he minored in Criminal Justice & Public Policy.

Before joining the firm, Mr. Ramirez worked as a Deputy District Attorney for the Los Angeles County District Attorney's Office, where he conducted numerous misdemeanor and felony jury trials, including murder trials. He has also worked as a reserve police officer for the Whittier Police Department and the Monterey Park Police Department.

He serves as an advisor to several public entities on the issues of use of force, canine and SWAT issues and policies and procedures. He has provided training to thousands of police officers and supervisors, from around the country and Canada, over the past 20 years.

Mr. Ramirez is an instructor on liability issues for the Los Angeles County Sheriff's Department's Basic SWAT School. He is also an instructor for the California Association of Tactical Officers (CATO) and for the National Tactical Officers' Association (NTOA). He was a member of the State Attorney General's Blue Ribbon SWAT Committee and he was a member of POST's Executive Advisory Committee for SWAT Teams. He was a member of the LAPD Board of Inquiry, which examined LAPD SWAT operations. He is an approved California POST instructor.

Mr. Ramirez was profiled in the April 2003, California Lawyer Magazine, for his work in defending law enforcement. He was honored with the 2004 Lifetime Achievement Award from the Association of Los Angeles Deputy Sheriffs (ALADS). He has been named as a 2005-2011 Super Lawyer for Southern California. He was also named to the distinguished American Board of Trial Advocates (ABOTA), in 2005, an award only bestowed upon proven trial attorneys.

He was selected as the Los Angeles County Sheriff's Department's Trial Lawyer of the Year in 1993 and, 2006, by two different Sheriffs. He was selected as the 2009 Alumni Attorney of the Year for Whittier School of Law. He has been selected twice as one of the Top 25 Municipal Attorneys in California by the Daily Journal.

[2] Tony Farrar, *The Inescapable Panopticonic Gaze; The Effect of Body-Worn Cameras on Police Use-of-Force*, CAMBRIDGE UNIVERSITY (2013). Chief Farrar prepared a more thorough report on his study entitled, "Video Recordings of Police - Citizen Encounters by Officers Wearing Body-Word Video Cameras: Leading a Randomized Control Trial" (January 2013) (unpublished thesis submitted in part fulfilment of the requirement for the Masters Degree in Applied Criminology and Police Management, Fitzwilliam College) (on file with Supervisor, Dr. Barak Ariel, Fitzwilliam College).

[4] *See, e.g.,* Jon Collins, *Body camera on police officers? In Burnsville, it's old news*, MINNESOTA PUBLIC RADIO (October 22, 2013), *available at* http://minnesota.publicradio.org/ display/web/2013/10/22/news/burnsville-police-body-cameras; Ian Lovett, *In California, a Champion for Police Cameras*, NEW YORK TIMES (August 21, 2013), *available at* http:// www.nytimes.com/2013/08/22/us/in-california-a-champion-for-police- cameras.html?_r=0 (noting use of body cameras in Albuquerque, Fort Worth and Oakland); Joel Rubin, *Dodgers Donate to LAPD for Body Cameras*, POLICEONE.COM (October 22, 2013), *available at* http:// www.policeone.com/Grants/articles/6491445-Dodgers-donate-to-LAPD-for-body-cameras/ (originally published in LA Times); *Metro, Police Union Reach Agreement on Body Cameras*, KLAS CHANNEL 8 NEWS (September 23, 2013), *available at* http://www.8newsnow.com/story / 23499683/debate-growing-over-more-cops-tax (noting use of body cameras in Las Vegas); Art Marroquin, Anaheim, *Fullerton police gauging value of clip-on cameras*, ORANGE COUNTY REGISTER (September 26, 2013), *available at* http://www.ocregister.com/articles/officers-528151 -police-cameras.html..

[5] *Floyd v. City of New York*, 08 CIV. 1034 SAS, 2013 WL 4046217 (S.D.N.Y. Aug. 12, 2013), appeal dismissed (Sept. 25, 2013). *See also* Barry Paddock, *NYPD cops in stop-and - frisk-iest precincts to wear body cams after judge's ruling,* NEW YORK DAILY NEWS (August 12, 2013), *available at* http://www.nydailynews.com/new-york/nypd-cops-wear-body- cams-article-1.1425121. *See also* Colleen Long, *NYPD ordered to start using officer-worn cameras,* THE ASSOCIATED PRESS (August 14, 2013), *available at* http://www.policeone.com/ police-products/body-cameras/articles/6386513-NYPD-ordered-to-start-using-officer-worn-cameras/.

[6] *Ligon v. City of New York*, 13-3123, 2013 WL 5835441 (2d Cir. Oct. 31, 2013) superseded in part sub nom. In re Reassignment of Cases, 13-3123, 2013 WL 5998139 (2d Cir. Nov. 13, 2013).

[7] Jackie Valley, *Metro to outfit officers with cameras in pilot program beginning in 2014*, LAS VEGAS SUN (October 13, 2013), *available at* http://www.lasvegassun.com/news/2013/oct/ 13/metro-outfit-officers-cameras-pilot-program-beginn/.

[8] Hamed Aleazlz, *LAPD Body Cameras Could Be Blueprint for Other Cities,* DAILY JOURNAL, (November 13, 2013)

[9] *Id. Note: Photographs used with permission from Taser, Inc.*

L

Wall Street Journal Article – Police Cameras Bring Problems of Their Own

Mc Cully, Annette

From: John Rivera <John@dcpba.org>
Sent: Friday, April 10, 2015 11:43 AM
To: Mc Cully, Annette
Subject: FW: Downside of body cams - costly storage

April 9, 2015

Dear John: Interesting article from The Wall Street Journal about body camera and some of the problems agencies are facing.

Police Cameras Bring Problems of Their Own

Authorities face mountains of video data that require processing and costly storage

By
Zusha Elinson And
Dan Frosch
April 9, 2015 4:53 p.m. ET Wall Street Journal
97 COMMENTS

As more police agencies equip officers with body cameras in response to public pressure, authorities are discovering they create problems of their own: how to analyze, process and store the mountains of video each camera generates.

Prosecutors in northern Colorado recently spent hours poring over a dozen videos captured by police wearing cameras. The case? An arrest for drunk and disorderly conduct.

Clifford Riedel, Larimer County's district attorney, said his office has been overwhelmed with footage from the 60 body cameras the Fort Collins Police Department uses, and will need to hire an additional technician to sort through it all. "There are just huge amounts of data being generated from cameras," said Mr. Riedel. "It used to be that video on a case was the exception. Now it's the rule."

The movement gained new intensity after the police shooting last week of a fleeing man in South Carolina. While many experts inside and outside of law enforcement agree that body cameras—clipped to officers' uniforms or glasses—help increase police transparency and may even improve police behavior, police departments and prosecutors are struggling with how to sift through, preserve and share the visual evidence.

On top of that, agencies need policies and personnel to respond to requests from journalists and the public to release video under freedom-of-information requests.

"The vast majority of places are still trying to figure this out," said Michael White, a professor of criminology at Arizona State University who wrote a Justice Department report on body cameras.

Dr. White estimates that between 4,000 and 6,000 U.S. police departments, out of about 18,000 nationally,

use body cameras. Officers generally turn them on when stopping a driver or responding to an incident. Some departments use body cameras in addition to dashboard ones that have become common at many agencies, but result in less-useful footage because much police action takes place away from their vehicles. Body cameras—which cost hundreds of dollars each—typically result in much more video for departments to handle.

The push to require body cameras intensified nationally after last August's shooting of Michael Brown, a black 18-year-old, by a white police officer in Ferguson, Mo. This week, after a bystander's cellphone video surfaced showing a white South Carolina policeman fatally shooting an unarmed black man in his back, several prominent state lawmakers voice support for a bill to require all officers to wear cameras.

But the cost has given some officials pause, said Lindsay Miller, senior research associate at the Police Executive Research Forum and co-author of a Justice Department report on the topic. "The cameras themselves aren't overly expensive, but the years and years of data storage you're going to deal with—that can definitely be cost-prohibitive," said Ms. Miller.

Many departments keep inconsequential video for 30 to 60 days. But if the footage is evidence in a criminal case, it must be kept longer; most states require that video in a homicide case be kept indefinitely, she said. Ms. Miller said an emerging consensus is that the benefits outweigh the costs. In limited studies, the cameras have shown promise in reducing use of force by police and citizen complaints—and that can save money spent investigating complaints and settling lawsuits, she said.

In Oakland, Calif., the police department deploys 560 body cameras, enough for nearly every officer on duty, said Sean Whent, the chief of police. Their use results in about five to six terabytes of data every month—equivalent to about 1,250 to 1,500 high-definition movie downloads—said Mr. Whent. That data is stored on a department server for two years at a minimum—or longer if it is needed in a criminal or disciplinary case, he said.

In the future, Mr. Whent said he anticipates either using a cloud-storage service or reducing the retention period because of the sheer size of the data.

"It's absolutely worth the cost—the public today demands a greater amount of accountability and transparency on the part of police," he said. "The cameras have a civilizing effect on the police and the people who know they're being recorded."

In Berkeley, Calif., officials are weighing whether to outfit officers with cameras. Police estimate it could cost up to $135,000 to buy 150 cameras at $900 a pop. But it could cost an additional $45,000 a year for a limited data-storage plan priced at $25 a month per camera—and officials have raised the possibility of also hiring new employees to sift through all the video.

The cameras "will create an enormous amount of data. Who gets access to it? How does it get stored?" said Laurie Capitelli, a Berkeley City Council member. "What appeared to be a no-brainer in terms of bringing accountability to the force has raised a lot ancillary questions."

Los Angeles Mayor Eric Garcetti has pledged to purchase 7,000 cameras. The cost of data storage and maintenance is estimated at $7 million a year, a spokeswoman said. The city plans to include money for the program in its coming budget and seeks federal funds as well. The department already purchased about 800 cameras with money raised by private donors.

Seattle police wrestled with how to release footage from body cameras to the public—a dilemma highlighted by a public-records request for videos last year. The department decided to launch a YouTube channel that shows heavily blurred-out video with no audio to protect the privacy of people and officers.

Getting the videos on YouTube is a mostly manual process, but the department is working to automate it. Seattle police are also working on tools to redact sensitive information from audio files, which could be added to the YouTube files.

"Where do people put videos if they capture police behaving inappropriately? They put it on YouTube, so we put our videos on YouTube," said Mike Wagers, the department's chief operating officer. "That was a middle ground."

M

ADDITIONAL FLORIDA PBA INFORMATION

Blanca Greenwood

From: John Rivera
Sent: Monday, May 04, 2015 9:43 AM
To: Blanca Greenwood
Subject: FW: Please Read: Florida PBA Alert on Body Cameras

Importance: High

Attention: All Presidents and Executive Committee Members

A Serious Liability for Law Enforcement Officers Wearing Body Worn Cameras

The 2015 Legislative Session ended on Friday, May 1, 2015 without finishing the law enforcement officers' body worn cameras bill package. The Legislature did pass the public records exemption legislation (**SB 248**), but the policy guidelines portion (**HB 57 & SB 7080**) of the package did not complete the legislative process. The passage of the complete package was a priority for the Florida PBA, because each bill had critical components that protect law enforcement officers from criminal charges and civil liability.

As a result of the failure for **HB 57 & SB 7080** to complete the legislative process, the Florida PBA is compelled to issue a warning to agencies utilizing, or implementing body worn cameras. The proposed legislation eliminated the requirements of Chapter 934, F.S., for *agencies* utilizing body worn cameras. This exemption protected officers at agencies utilizing body worn cameras from inadvertently violating the "two party consent rule" which potentially subjects the officers to criminal penalties and civil remedies.

Background on Chapter 934, F.S.:
Chapter 934, F.S., governs the security of various types of communications in the State, and limits the ability to intercept, monitor, and record such communications. The Chapter provides for criminal penalties and civil remedies in circumstances where communications are intercepted in violation of Chapter 934, F.S. Additionally, s. 934.03(2)(d), F.S., creates the "two party consent rule," which requires that all parties to a communication or conversation must consent to having the communication recorded before it can be done so legally. Chapter 934, F.S., provides a limited exception for law enforcement-related recordings when "such person is a party to the communication or one of the parties to the communication has given prior consent to such interception and the purpose of such interception is to obtain evidence of a criminal act."

The Florida PBA strongly urges agencies to cease utilizing body worn cameras without the Chapter 934 exemption. The potential for criminal and civil harm against law enforcement officers is too great to be ignored.

Matt Puckett
Executive Director
Florida Police Benevolent Association

An act relating to public records; amending s. 119.071, F.S.; defining the terms "body camera," "law enforcement officer," and "personal representative"; providing that a body camera recording is confidential and exempt from public records requirements under certain circumstances; providing exceptions; requiring a law enforcement agency to retain body camera recordings for at least a specified period; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (l) is added to subsection (2) of section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(l)1. As used in this paragraph, the term:

a. "Body camera" means 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 his or her official duties and responsibilities.

b. "Law enforcement officer" has the same meaning as provided in s. 943.10.

c. "Personal representative" means a parent, a court-

30 appointed guardian, an attorney, or an agent of, or a person
31 holding a power of attorney for, a person recorded by a body
32 camera. If a person depicted in the recording is deceased, the
33 term also means the personal representative of the estate of the
34 deceased person; the deceased person's surviving spouse, parent,
35 or adult child; the deceased person's attorney or agent; or the
36 parent or guardian of a surviving minor child of the deceased.
37 An agent must possess written authorization of the recorded
38 person to act on his or her behalf.
39 2. A body camera recording, or a portion thereof, is
40 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
41 of the State Constitution if the recording:
42 a. Is taken within the interior of a private residence;
43 b. Is taken within the interior of a facility that offers
44 health care, mental health care, or social services; or
45 c. Is taken in a place that a reasonable person would
46 expect to be private.
47 3. Notwithstanding subparagraph 2., a body camera recording
48 may be disclosed by a law enforcement agency:
49 a. In furtherance of its official duties and
50 responsibilities; or
51 b. To another governmental agency in the furtherance of its
52 official duties and responsibilities.
53 4. A body camera recording, or a portion thereof, shall be
54 disclosed by a law enforcement agency:
55 a. To a person recorded by a body camera; however, a law
56 enforcement agency may disclose only those portions that are
57 relevant to the person's presence in the recording;
58 b. To the personal representative of a person recorded by a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 body camera; however, a law enforcement agency may disclose only
60 those portions that are relevant to the represented person's
61 presence in the recording;
62 c. To a person not depicted in a body camera recording if
63 the recording depicts a place in which the person lawfully
64 resided, dwelled, or lodged at the time of the recording;
65 however, a law enforcement agency may disclose only those
66 portions that record the interior of such a place.
67 d. Pursuant to a court order.
68 (I) In addition to any other grounds the court may consider
69 in determining whether to order that a body camera recording be
70 disclosed, the court shall consider whether:
71 (A) Disclosure is necessary to advance a compelling
72 interest;
73 (B) The recording contains information that is otherwise
74 exempt or confidential and exempt under the law;
75 (C) The person requesting disclosure is seeking to obtain
76 evidence to determine legal issues in a case in which the person
77 is a party;
78 (D) Disclosure would reveal information regarding a person
79 that is of a highly sensitive personal nature;
80 (E) Disclosure may harm the reputation or jeopardize the
81 safety of a person depicted in the recording;
82 (F) Confidentiality is necessary to prevent a serious and
83 imminent threat to the fair, impartial, and orderly
84 administration of justice;
85 (G) The recording could be redacted to protect privacy
86 interests; and
87 (H) There is good cause to disclose all or portions of a

88 recording.
89 (II) In any proceeding regarding the disclosure of a body
90 camera recording, the law enforcement agency that made the
91 recording shall be given reasonable notice of hearings and shall
92 be given an opportunity to participate.
93 5. A law enforcement agency must retain a body camera
94 recording for at least 90 days.
95 6. The exemption provided in subparagraph 2. applies
96 retroactively.
97 7. This exemption does not supersede any other public
98 records exemption that existed before or is created after the
99 effective date of this exemption. Those portions of a recording
100 which are protected from disclosure by another public records
101 exemption shall continue to be exempt or confidential and
102 exempt.
103 8. This paragraph is subject to the Open Government Sunset
104 Review Act in accordance with s. 119.15 and shall stand repealed
105 on October 2, 2020, unless reviewed and saved from repeal
106 through reenactment by the Legislature.
107 Section 2. (1) The Legislature finds that it is a public
108 necessity that the following types of body camera recordings are
109 made confidential and exempt from s. 119.07(1), Florida
110 Statutes, and s. 24(a), Article I of the State Constitution:
111 recordings taken within the interior of a private residence;
112 recordings taken within the interior of a facility that offers
113 health care, mental health care, or social services; and
114 recordings taken in a place that a reasonable person would
115 expect to be private.
116 (2) The Legislature recognizes the increased prevalence of

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117 body cameras being used by law enforcement officers. Body
118 cameras preserve information that has the potential to assist
119 both law enforcement officers' and the public's ability to
120 review the circumstances surrounding an event in which law
121 enforcement intervention occurs.
122 (3) However, the Legislature also finds that, in certain
123 instances, audio and video recorded by body cameras is
124 significantly more likely to capture highly sensitive personal
125 information than other types of law enforcement recordings or
126 documents. The Legislature finds that public disclosure of these
127 recordings could have an undesirable chilling effect. People who
128 know they are being recorded by a body camera may be unwilling
129 to cooperate fully with law enforcement officers if they know
130 that a body camera recording can be made publicly available to
131 anyone else. People may also be less likely to call a law
132 enforcement agency for services if their sensitive personal
133 information or the circumstances that necessitate a law
134 enforcement agency's involvement are subject to public
135 dissemination as a body camera recording. The Legislature also
136 finds that body camera recordings could be used for criminal
137 purposes if they were available upon request. This exemption
138 from public records requirements allows law enforcement officers
139 to more effectively and efficiently administer their duties,
140 which would otherwise be significantly impaired. The Legislature
141 finds that these concerns regarding the impact of the public
142 records requirements for body camera recordings not only
143 necessitate the exemption of the recordings from public records
144 requirements, but also outweigh any public benefit that may be
145 derived from their disclosure.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

146 Section 3. This act shall take effect July 1, 2015.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 A bill to be entitled
2 An act relating to law enforcement officer body
3 cameras; creating s. 943.1718, F.S.; providing
4 definitions; requiring a law enforcement agency that
5 permits its law enforcement officers to wear body
6 cameras to establish policies and procedures
7 addressing the proper use, maintenance, and storage of
8 body cameras and the data recorded by body cameras;
9 requiring such policies and procedures to include
10 specified information; requiring such a law
11 enforcement agency to ensure that specified personnel
12 are trained in the law enforcement agency's policies
13 and procedures; requiring that data recorded by body
14 cameras be retained in accordance with specified
15 requirements; requiring a periodic review of agency
16 body camera practices to ensure conformity with the
17 agency's policies and procedures; exempting the
18 recordings from specified provisions relating to the
19 interception of wire, electronic, and oral
20 communications; providing an effective date.
21
22 WHEREAS, advancements in technology allow body cameras to
23 be affordable and practical tools for law enforcement use, and
24 WHEREAS, body cameras can provide a valuable source of
25 information to both law enforcement and the general public, and
26 WHEREAS, the audio and video recording of police and

27 citizen interactions allows law enforcement agencies to improve
28 efforts to reduce crime and properly address citizen complaints,
29 and
30 WHEREAS, establishing uniform procedural requirements for
31 the use of body cameras by law enforcement will provide
32 consistency and reliability throughout the state, and
33 WHEREAS, there are currently no statewide mandatory and
34 uniform standards or guidelines that apply to use of body
35 cameras by law enforcement officers, NOW, THEREFORE,
36
37 Be It Enacted by the Legislature of the State of Florida:
38
39 Section 1. Section 943.1718, Florida Statutes, is created
40 to read:
41 943.1718 Body cameras; policies and procedures.—
42 (1) As used in this section, the term:
43 (a) "Body camera" means a portable electronic recording
44 device that is worn on a law enforcement officer's person that
45 records audio and video data of the officer's law-enforcement-
46 related encounters and activities.
47 (b) "Law enforcement agency" means an agency that has a
48 primary mission of preventing and detecting crime and enforcing
49 the penal, criminal, traffic, and motor vehicle laws of the
50 state and in furtherance of that primary mission employs law
51 enforcement officers as defined in s. 943.10.
52 (c) "Law enforcement officer" has the same meaning as

53 provided in s. 943.10.
54 (2) A law enforcement agency that permits its law
55 enforcement officers to wear body cameras shall establish
56 policies and procedures addressing the proper use, maintenance,
57 and storage of body cameras and the data recorded by body
58 cameras. The policies and procedures must include:
59 (a) General guidelines for the proper use, maintenance,
60 and storage of body cameras.
61 (b) Any limitations on which law enforcement officers are
62 permitted to wear body cameras.
63 (c) Any limitations on law-enforcement-related encounters
64 and activities in which law enforcement officers are permitted
65 to wear body cameras.
66 (d) General guidelines for the proper storage, retention,
67 and release of audio and video data recorded by body cameras.
68 (3) A law enforcement agency that permits its law
69 enforcement officers to wear body cameras shall:
70 (a) Ensure that all personnel who wear, use, maintain, or
71 store body cameras are trained in the law enforcement agency's
72 policies and procedures concerning them.
73 (b) Ensure that all personnel who use, maintain, store, or
74 release audio or video data recorded by body cameras are trained
75 in the law enforcement agency's policies and procedures.
76 (c) Retain audio and video data recorded by body cameras
77 in accordance with the requirements of s. 119.021, except as
78 otherwise provided by law.

79 (d) Perform a periodic review of actual agency body camera
80 practices to ensure conformity with the agency's policies and
81 procedures.
82 (4) Chapter 934 does not apply to body camera recordings
83 made by law enforcement agencies that elect to use body cameras.
84 Section 2. This act shall take effect upon becoming a law.