

55.0 Mobile Video / Audio Recording Equipment

POLICY: Mobile Video and Audio Recording equipment has been demonstrated to be of value in the prosecution of traffic violations, criminal offenses, and training. In order to maximize the utility of this equipment in these and related areas, officers shall comply with this policy. Non-compliance with this policy will be subject to review, corrective action and or disciplinary action. Except in circumstances of immediate threat to public or officer safety. The safety of the public and the officer will always be paramount in all instances.

SCOPE: These procedures shall apply to all Marianna Police Department personnel.

DEFINITIONS:

Body Worn Camera (BWC): Is the audio and color video camera equipped with a spring loaded clip to attach to the uniform.

Digital Video Software (DVS): Is the in house download and storage software. The digital recordings are accessible to authorized personnel based upon a security clearance protocol. The system also maintains an log of user activity.

Evidentiary Value: Digital media that contains any evidence of a possible or actual civil or criminal matter, which can be used in a court of law.

Fleet Manager: The departments Lieutenant in charge of the vehicle fleet.

Mobile Video Recorder (MVR): Audio/video recording equipment designed for fixed installation in patrol vehicles or body worn portable recording devices.

Personal Mobile Video Recorder (PMVR): Audio/video recording equipment personally owned by an employee of the agency designed to record Video and/or audio.

Non-Evidentiary Value: A video/dvd/cd that contains events to be used for Administrative purposes, training, or noncriminal events.

System Administrator: The departments Patrol Lieutenant will act as the System Administrator and will oversee the MVR/BWC server operation.

I. PROGRAM OBJECTIVES

This agency has adopted the use of mobile video/audio recording systems in order to accomplish several objectives, to include:

- A. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and courtroom testimony.

- B.** The enhancement of this agencies ability to review probable cause for arrest, arrest procedures, officer and citizen interaction, evidence for investigative purposes, general quality control and for officer training.

II. VEHICLE MOUNTED MVR OPERATING PROCEDURES

- A.** All officers whose vehicles are equipped with MVR devices and who are trained in the operation of such devices, shall ensure that the video and audio recording function remains on at all times during the following circumstances involving citizen contacts:
 - 1.** Stop and arrest of a suspect.
 - 2.** All pedestrian, bicycle, and vehicle traffic stops, including field sobriety.
 - 3.** Pursuits.
 - 4.** Investigative stops/field interviews.
 - 5.** Transportation of any individuals in the police vehicle to final destination.

Officers may record other events at their discretion where they believe it would further the police mission. All officers who arrive on the scene of an incident listed in section “A” above will begin a video and audio recording of the event upon their arrival.

- B.** Personal Mobile Video Recorder (PMVR): Personal mobile video recorders are prohibited.

- C.** Prohibitions: Officers shall not:

- 1.** Disengage, interrupt, or mute an audio/video recording at any time during interaction with the public. This includes prohibition of the practice of placing a hand over the recording microphone during the encounter.
- 2.** Destroy video.
- 3.** Tamper with the MVR, its wiring or audio equipment.
- 4.** Covertly record any person in contradiction with or in violation of Florida wiretapping laws, as outlined in F.S.S. 934.03. In addition to subjecting the officer to criminal prosecution, violating the Florida wiretapping law can expose the officer to a civil lawsuit for damages by an injured party.

Violation of this policy may result in disciplinary action.

D. Equipment Check: Officers must inspect and functionally check the MVR equipment in their assigned vehicle at the beginning of each shift. The functional check shall include audio as well as front and rear facing video and the setup of the MVR for recording. The appropriate digital media, if applicable, shall be loaded in the system and a brief recording shall be made as a final check of the mobile video system to include properly setting/checking the correct time and date. The officer shall then review the test recording to ensure the equipment is functioning properly. If the audio recording function is inoperable the officer shall still utilize the MVR for video purposes.

E. Activation: The MVR equipment used by the department is installed and designed to activate automatically when the patrol vehicle's emergency lights are in operation. The video system may be activated in one of three ways:

1. When the patrol vehicle's emergency lights are activated.
2. Manually by pushing the "Record" button on the remote control.
3. Remotely by pressing or sliding the button on the wireless microphone transmitter.

The MVR continuously captures a "pre-event" of 1 minute prior to activation of the camera. If an officer witnesses an event – such as a crash, he/she should manually activate the MVR in order to record the 1 minute of "pre-event".

F. Deactivation: Recording can only be stopped by manually pressing the "Stop" button on the control panel or the remote control after the incident has concluded.

G. Initial Probable Cause Indicators: When an officer observes an indicator of improper driving or suspicious behavior and the officer has made the decision to initiate a motor vehicle stop, investigative stop or citizen contact, the officer will turn on the MVR and microphone and announce their initial observations. This will continue through the entire MVR process including the initial contact and interview, field sobriety testing, arrest, search and transportation.

H. Traffic Violators: The officer should verbalize for the MVR any traffic violations or instances of improper driving that are occurring (as they occur) as well as:

1. The location of the stop
2. The make, model and color of vehicle
3. The vehicles tag number
4. The number and description of the occupants
5. Officers should never follow a suspected impaired driver longer than needed to establish reasonable suspicion for the traffic stop. All indicators of intoxication should be articulated for the mobile video recording.

- I. Position of Vehicles: When possible and without compromising officer safety the officer's vehicle should be approximately two car lengths behind the suspect's vehicle in order to create a proper arena of performance/interview.
- J. Optimum Lighting: Street lighting at night should be used whenever possible. Low beam headlights should be used. If the patrol vehicle is equipped with take down lights or floodlights, they should be used. High beam headlights and spotlights should only be used when needed for officer safety. Wigwag headlights should not be used during mobile video recording if possible. Front overhead lights should be turned off during field sobriety exercises, leaving the rear lights activated for suspect and officer safety.
- K. Field Sobriety Exercise: Once the officer activates the MVR, the system will continue to record through the entire arrest and transportation of the suspect. The officer has no obligation to advise the suspect that he/she is being audio and video recorded. The officer will articulate reasonable suspicion and probable cause as it develops and articulate all indicators that are used by the officer to determine that the suspect is impaired. The officer will remove the suspect from the suspect's vehicle and lead him/her to the right rear of that vehicle, having the suspect face the patrol unit. The officer should stand at a 45-degree angle in order to observe the suspect as well as any other occupants in the vehicle and to monitor traffic. If a field sobriety exercise is to be performed, it will be completed in view of the MVR.
- L. Search: When the officer has made the determination to arrest, the arrest should take place in view of the MVR when possible. The suspect will be handcuffed and searched pursuant to policy. Searches of both the suspect and the suspect's vehicle should be both audio and video recorded, with the officer describing for the MVR what evidence is found and where the item was located in the suspect's vehicle.
- M. Transportation of the Prisoner: The officer will leave the MVR operational and activated while transporting the suspect to the incarceration facility, and will ensure both audio and video system privacy functions are enabled to prevent suspect(s) from overhearing officer communications. If the vehicle is equipped with a rear seat camera, the record function of that camera shall be activated while the prisoner is in the vehicle.
- N. At no time should members disregard officer safety for the purpose of being in a position for recording.
- O. Officers will document recorded incidents in arrest or related reports.

III. BODY WORN MVR OPERATING PROCEDURES

A. Officers shall activate their BWC units to record during all official police duties/actions and calls for service. Examples include, but are not limited to, the following:

1. Citizen encounters related to an official police duty/action
2. Enforcement/arrest actions.
3. Dispatched calls for service.
4. Self-initiated contacts/activities where reasonable suspicion and/or probable cause exist that a crime is being committed, has been committed, or is about to be committed, or that evidence of a crime is present.
5. Traffic stops.
6. Crashes involving police vehicles.
7. Tactical activities such as structure searches, searches for suspects, pursuits, and building alarms.

All officers who arrive on the scene of an incident listed above will begin a video and audio recording of the event upon their arrival. Cameras shall be deactivated only at the conclusion of the event. If a camera is deactivated during any citizen contact the officer shall document on camera the date, time and reason for the deactivation. If the officer does not state the required information on camera they shall enter the date, time and reason for deactivation in the incident notes.

B. Discretion: Body-worn cameras can have implications in terms of privacy when it comes to recording nudity, victim interviews, particularly in situations involving abuse and rape, recording inside people's homes and other sensitive matters. Officers should be aware of privacy concerns and should use their discretion whether to record in these circumstances. Officers should use their discretion in cases in which persons are unwilling to share information about a crime if they are being recorded. Consideration should be given to whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.

C. Prohibitions: Personnel shall not:

1. Destroy video.
2. Tamper with the Body Cam, its wiring or audio equipment.
3. Record personal activity.
4. Intentionally or willingly record undercover officers, confidential informants, or other sources of confidential information.

5. Intentionally record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
6. Covertly record any person in contradiction with or in violation of Florida wiretapping laws, as outlined in F.S.S. 934.03. In addition to subjecting yourself to criminal prosecution, violating the Florida wiretapping law can expose you to a civil lawsuit for damages by an injured party.
7. Covertly record any person in contradiction with or in violation of Florida wiretapping laws, as outlined in F.S.S. 934.03. In addition to subjecting yourself to criminal prosecution, violating the Florida wiretapping law can expose you to a civil lawsuit for damages by an injured party.

Violation of this policy may result in disciplinary action.

- D. Initial Probable Cause Indicators:** When an officer observes an indicator of improper driving or suspicious behavior and the officer has made the decision to initiate a motor vehicle stop, investigative stop or citizen contact, the officer will turn on the Body Cam and announce their initial observations. This will continue through the entire Body Cam process including the initial contact and interview, field sobriety testing, arrest, search and transportation.
- E. Traffic Violators:** The officer should verbalize for the Body Cam any traffic violations or instances of improper driving that are occurring (as they occur) as well as:
1. The location of the stop
 2. The make, model and color of vehicle
 3. The vehicles tag number
 4. The number and description of the occupants
 5. Officers should never follow a suspected impaired driver longer than needed to establish reasonable suspicion for the traffic stop. All indicators of intoxication should be articulated for the mobile video recording.
- F. Field Sobriety Exercise:** Once the officer activates the Body Cam, the system will continue to record through the entire arrest and transportation of the suspect. The officer has no obligation to advise the suspect that he/she is being audio and video recorded. The officer will articulate reasonable suspicion and probable cause as it develops and articulate all indicators that are used by the officer to determine that the suspect is impaired.

G. At no time should members disregard officer safety for recording purposes.

H. Officers will document recorded incidents in arrest or related reports.

IV. SECURITY/TRANSFER OF RECORDED VIDEO FILES

A. The officer's will download to the MVR/BWC network server at the end of their shift if there were any incidents recorded by the MVR/BWC.

B. If there was a recorded incident(s) that has evidentiary value, the officer shall transfer the recording to the MVR/BWC server as soon as possible once the incident is completed, or at least by the end of the shift. The video shall then be transferred onto a DVD and submitted as evidence.

C. Due to the need for file security, it is not possible to manually delete files once they have been recorded. The only way to free up space for additional recordings is to perform a successful file transfer.

D. Once connected to the computer and the login to the Digital Video System is successful, the data transfer is fully automatic and will transfer files at the rate dependent on the amount of video recorded.

E. Once the transfer is complete, the MVR/BWC system resets itself for normal operation.

F. Under no circumstances will any officer erase, attempt to erase, alter, deface or destroy any digital recording, whether evidentiary or non-evidentiary. Officers will be held to a high degree of accountability for the security, processing, care, and maintenance of all agency recordings.

V. RETENTION OF RECORDED VIDEO FILES

- A.** All imagery recorded by a MVR/BWC shall be retained according to the guidelines established in the Florida Law Enforcement General Records Schedule.

- B.** Video related to an investigation shall be treated as evidence and therefore its collection, chain of custody, storage, distribution, and disposal will be processed in accordance with internal Department policies.

- C.** If other law enforcement agencies were involved with the Department in a joint operational investigation, the agencies shall be contacted prior to the destruction of the recordings to ensure that they do not need the recording(s).

- D.** MVR/BWC file access shall be periodically audited by the MVR/BWC administrator to ensure that only authorized users are accessing the data for legitimate purposes.

- E.** MVR/BWC files shall be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or use in an investigation.

VI. VIDEO EVIDENCE DISSEMINATION

- A.** Dissemination of video or audio outside the Marianna Police Department will be in accordance with Florida Public Record laws section 119 Florida Statutes.

- B.** MVR/BWC Operators will not make copies of any recordings for their personnel use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media captured from the MVR/BWC systems.

VII. SUPERVISOR RESPONSIBILITY

- A.** Supervisors will ensure officers utilize MVR/BWC's according to policy guidelines.

- B.** If a complaint is associated with a recorded event, the immediate supervisor shall request the MVR/BWC administrator flag the video for indefinite retention and document the action in the complaint paperwork.

- C.** Supervisors investigating an inquiry or complaint may view MVR/BWC files relevant to their investigation.