

FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT MOBILE VIDEO/AUDIO RECORDING DEVICES	POLICY NUMBER 17.22
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17.22.01 PURPOSE

It is the purpose of this policy to provide members with guidelines for the use of mobile video and audio recording equipment.

17.22.02 POLICY

Mobile video/audio recording (MVR) equipment has demonstrated value in providing evidence for law violations and related offenses, enhancing accountability and training, and has proven to be a valuable tool in documenting members' honesty, integrity and professionalism. While cameras have unique limitations, recordings are intended to provide an objective record of incidents, and to supplement any reports completed by members. In order to maximize the usefulness of this equipment in these and related areas, members who have completed training and have operational equipment shall follow the procedures for MVR equipment use as set forth in this policy.

The use of any personally owned video and/or audio recording devices (such as body-worn cameras and MVR) are prohibited.

17.22.03 DEFINITIONS

- A. **DIGITAL EVIDENCE** - Information and data of investigative value stored on, or transmitted by, an electrical device (e.g. photographs, video segments, audio recordings, computer files).
- B. **DIGITAL EVIDENCE CAPTURING DEVICES** - Electronic devices that capture digital evidence or other digital data (e.g., digital cameras, digital audio recorders, digital video recorders).
- C. **ELECTRONIC DOCUMENT MANAGEMENT SYSTEM** - A Florida Highway Patrol electronic network-based system for the storage of digital files such as photographs, audio clips, video clips, documents, and others as approved.
- D. **LONG-TERM STORAGE MEDIA** - A non-volatile digital media capable of long-term storage of digital data. This includes optical discs, network storage devices, hard disc drives, and digital recording libraries.
- E. **BODY-WORN CAMERA (BWC)** – A portable electronic recording device as defined by F.S. 943.1718(1)(a).

17.22.04 OBJECTIVES

The Division has adopted the use of mobile video/audio recording (MVR) systems in order to accomplish objectives, including but not limited to:

- A. Accurate documentation of events, actions, conditions and statements made prior to and during arrests, traffic stops and other enforcement encounters; to enhance members' reports, collection of evidence and testimony in court; and
- B. The enhancement of the Division's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for member evaluation and training.

17.22.05 PROCEDURES

A. INSTALLATION OF MVR EQUIPMENT IN VEHICLES

- 1. MVR equipment shall be installed and maintained according to manufacturer's recommendations and Division policy.
- 2. Only MVR equipment owned by the Division shall be installed in agency vehicles.
- 3. MVR equipment requiring installation, may only be installed by a designated, qualified technician approved by the Chief Technology Officer (CTO) or designee.

B. OPERATING PROCEDURES

- 1. Members shall adhere to the following procedures when utilizing MVR equipment.
 - a. MVR equipment installed in vehicles is the responsibility of the member assigned to that vehicle and will be maintained according to manufacturer's recommendations and Division policy.
 - b. Except as otherwise authorized, MVR equipment installed in a Division vehicle shall be used on every:
 - (1) Traffic stop.
 - (2) Emergency response.
 - (3) Pursuit.
 - c. MVR equipment will automatically activate when the patrol vehicle's forward-facing emergency warning devices are initially activated. Except as otherwise permitted by this policy, the member may not deactivate the MVR recorder until the conclusion of the traffic stop, emergency response or pursuit, or the member has left the scene. Other automatic triggers will be determined by the CTO.
 - d. MVR equipment may be manually deactivated during

non-enforcement activities such as directing traffic, disabled vehicle assists, extended traffic crash or traffic homicide investigations.

- e. When the MVR is manually deactivated *prior to the conclusion of the event*, the member should document the reason(s) for this action by recording a brief explanation, or entering relevant notes in the video classification.
 - f. Members will note in arrest/incident reports and charging affidavits when video/audio recordings were made during the incident.
 - g. Members are encouraged to provide narration on the MVR recording prior to each stop. The intent of this narration is to assist the member by documenting observations and circumstances contributing to the reasons for the encounter, which will be available for later playback to the member.
 - h. Upon request, members will inform a subject with whom they are interacting whether the member is recording the encounter.
 - i. Members may not record oral communications of Department personnel in an undisclosed manner during routine, non-enforcement related activities unless the recording is required by court order or authorized as part of a criminal investigation.
 - j. Members using an MVR that encounter other members who may be unaware recording is in progress (e.g., arrived after recording began or do not have an MVR system), should at their earliest convenience make the other members aware that recording is in progress.
2. Members shall ensure that vehicle installed MVR equipment is operating in order to record traffic stops or other enforcement actions. In so doing they will ensure that:
- a. The video recorder is positioned and adjusted to record events.
 - b. The member's wireless microphone is activated.
 - c. When the MVR is activated, the AM/FM stereo and any non-FHP audio devices (i.e. other agency radio or music player) must have the volume adequately reduced to prevent interference with the MVR audio recording quality.
 - d. During use, members shall confirm the MVR equipment is working properly. If for any reason an MVR is found to be inoperable or malfunctioning, the member will notify a supervisor as soon as practical but prior to the end of the member's shift.
 - e. If the MVR is found to be inoperable or malfunctioning, the member will document the problem on the Mobile Video Audio Recorder Trouble Report (HSMV 60035), available on the FHP

SafetyNet. A file will be maintained for each MVR. The file will include documentation of repairs made to the MVR.

3. When feasible, members will also use their MVR to record:
 - a. The actions of suspects during interviews, when undergoing field sobriety tests or when placed in custody.
 - b. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
 - c. Back-up officers who arrive on scene to assist another member and who have MVR capabilities will ensure their MVR is activated and in position to record the events.
4. The following allowances are provided to members when conducting CVE enforcement:
 - a. Members are not required to activate the MVR during CVE inspection details conducted at scale facilities.
 - b. During roadside CVE inspections, the MVR shall be activated during the initial contact with the driver and when the member presents the driver with the completed inspection reports and/or citations. Members are permitted to manually deactivate the MVR while they are completing reports.
 - c. At any time during a CVE roadside inspection it is determined that a physical arrest will be made, a subject becomes belligerent, or any other officer safety issue arises, the MVR should be activated and remain running until completion of the inspection.
 - d. Nothing in this section shall be construed to prohibit a member from recording an entire CVE inspection or inspection detail.

5. EXCEPTIONS –

The MVR mic must be used when interacting directly with the public. However, members may momentarily utilize the mute feature or deactivate the MVR if necessary to avoid recording any of the following exceptions:

- a. Tactics and strategy, involving only law enforcement and not participated in by citizens.
- b. Officer to officer training (e.g. when a field training officer wishes to speak to a trainee about a training issue).
- c. Charging decision conversations or those comparing witness accounts, involving only law enforcement and not participated in by citizens.
- d. Confidential informants and/or undercover officers.

When it is no longer necessary for the MVR to be deactivated or to utilize the mute feature, members will reactivate the MVR.

C. DATA MANAGEMENT AND SECURITY FOR DIGITAL RECORDING DEVICES

MVR evidence will be stored in Division designated secure locations including any of the following: (1) an approved on-site Division server, (2) an approved web based server whether maintained by the Division or an approved vendor, or (3) long-term physical storage media and other digital storage devices.

All MVR system recordings having the ability will be uploaded to an authorized server and automatically logged electronically in accordance with the retention policy set forth herein.

1. Through regular MVR uploads, members shall ensure that they will have adequate data storage capacity in the vehicle MVR system to complete at least two (2) hours of their scheduled tour of duty.
2. MVR equipment and storage media provided by the Division will not be utilized for non-Division related purposes.
3. Members may only use storage media issued and approved by the Division with an issued MVR system.
4. Each District shall maintain an inventory of at least one (1) approved storage media unit (e.g. SD card), either installed in the vehicle video processing unit or available for use, for each unit issued a MVR system under their command.
5. Members shall not destroy, alter or manipulate any long term storage media in any manner unless authorized to do so by policy. Unauthorized and malicious tampering with any long term storage media shall be cause for disciplinary action in the form of suspension or dismissal.
6. All recorded images and audio recordings created in the performance of duty by a member are the sole property of the Division. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by policy and law.
7. Members shall upload all EVIDENTIARY digital recordings at an authorized FHP server location as soon as reasonable; there is no requirement to upload at the end of each shift. Members must have authorization to stay beyond normal working hours strictly for uploading.
8. Members shall upload all non-evidentiary MVR recordings at least once per work week for administrative purposes.
9. Under extraordinary circumstances, a Troop Commander may authorize a temporary delay for an administrative upload.
10. MVR recordings are retained on the FHP server in accordance with the classification retention schedule below to meet evidentiary, judicial, administrative and public record needs.

- a. DUI – 365 days
- b. Arrest – Felony* – 365 days
- c. Arrest – Misdemeanor* – 365 days
- d. Administrative Review – 365 days
(Supervisor must change classification)
- e. Traffic Stop – 90 days
- f. Citizen Assist – 90 days
- g. Backup Officer – 90 days
- h. Crash Investigation – 90 days
- i. Field Interview – 90 days
- j. Pursuit – 90 days
- k. Sobriety Checkpoints – 90 days
- l. Use of Control – 90 days
- m. Non-Event – 90 days
(e.g. non-evidentiary)

*The use of criminal arrest classifications is also permitted for situations that result in non-physical arrest criminal charges.

NOTE: The above event classifications are suggested categories and should not be construed as rules. Exigent circumstances could apply to any situation and cause a change in classification group.

- 11. An MVR recording stored on an FHP server system which has not been classified with any event classification, will be automatically deleted from the server in accordance with the non-event (e.g. non-evidentiary) classification retention schedule in this policy.
- 12. An MVR recording stored on an FHP server system which has been assigned an event classification will be automatically deleted from the server in accordance with the event classification retention schedule in this policy.

Once the recording is uploaded/transferred by a member and the retention period has not yet passed:

- a. If the recording was found to have evidentiary, judicial, administrative or training value, it may be duplicated in order to be retained as long as necessary to meet that need;
- b. If the recording has not been identified as having value, it may be allowed to automatically delete.

13. Unintentional recordings may include activations during non-enforcement or non-investigative activity including but not limited to restroom, break periods or where reasonable expectations of privacy exist. Such recordings should be classified as Non-Event.

NOTE: There is no method to manually delete unintentional recordings during the retention period.

14. The CTO, or designee, is responsible for the storage and maintenance of all MVR recordings uploaded onto the server.
15. Access to the various Division MVR servers will be limited to employees with the proper authorization.
16. Members using an MVR system with the ability to classify recording events will do so prior to uploading.
17. MVR recordings of evidentiary value for case prosecution in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence, duplicated prior to the expiration of the MVR event classification retention period, and placed in the evidence/property room. As such, these MVR recordings will:
 - a. Be subject to the same security restrictions and chain of custody evidence safeguards as detailed in FHP Policy Chapter 12.
 - b. Not be released to another criminal justice agency for trial or other reasons without ensuring a duplicate copy remains with FHP.
 - c. Not be released to other than bona fide criminal justice agencies without prior approval of the designated supervisor.
 - d. At any time, a member may request a supervisor change an MVR recording event classification in order to be retained for more than the minimum classification retention period. Such request should be made in writing to the member's immediate supervisor and should include:
 - (1) Identification of the recording.
 - (2) Reason for the extension.
 - (3) Approximate date the recording can be destroyed, if known.

PRIOR TO MANUALLY ERASING ANY VIDEO/AUDIO RECORDINGS, THE MEMBER MUST ENSURE THAT ALL COURT PROCEEDINGS ARE COMPLETED. THIS WILL INCLUDE BOTH CRIMINAL CASES AS WELL AS CIVIL CASES (excluding routine traffic infractions); WITH EMPHASIS ON POTENTIAL ASSET FORFEITURE CIVIL CASES AT THE FEDERAL OR STATE LEVEL. WHEN NUMEROUS CRIMINAL JUSTICE AGENCIES ARE INVOLVED IN A JOINT OPERATIONAL DETAIL (e.g., STATE ATTORNEY, DEA, FBI, OTHER POLICE OR SHERIFF'S DEPARTMENTS), THE MEMBER MUST CONTACT EACH AGENCY TO ENSURE THE RECORDING WILL NOT BE NEEDED FOR COURT PROCESSING.

18. When not utilized as evidence or for any other departmental use, all MVR recordings will be maintained, as follows:
 - a. Original digital MVR recordings will be stored in accordance with any manufacturer's guidelines and FHP policy in a physically secure area or on server equipment accessible only to authorized Division supervisors, evidence/property custodians, or Information Systems Administration personnel.
 - b. Prior to deletion, members will have unlimited remote access at any time to view MVR recordings to perform duty job related functions (e.g. writing incident or crash reports, prior to testimony, case preparation, etc.).
 - c. Members who have a pending court case may request that the recording be duplicated for judicial, administrative and/or evidentiary retention purposes until the case is resolved.
 - d. For significant criminal or civil adversarial proceeding cases which may continue beyond the retention schedule provided in this policy, a duplicated recording should be created and submitted to the Evidence/Property Control Function.
 - e. Duplicate recordings that have become obsolete or lost administrative value may be destroyed.
 - f. MVR recordings shall remain stored at the District of origin regardless of changes in an affected member's duty assignment.

D. DUPLICATION OF DIGITAL (OR MVR) RECORDINGS

1. Reproduction of MVR recordings by district personnel is prohibited unless authorized herein, or by the District Commander or designee.
 - a. Evidence Property Custodians are authorized to duplicate MVR recordings from the server for evidentiary, judicial, administrative, public record or other reasons deemed necessary by the District Commander.
 - b. District Clerks may also be authorized to duplicate MVR recordings from the server for judicial, administrative, public record or other reasons when deemed necessary by the District

Commander.

2. Each FHP station having an on-site MVR server must have a method (e.g. CD burner, etc.) to transfer or duplicate MVR recordings to long-term storage for evidentiary purposes.
3. Only portions applicable to any request will be duplicated. The original recording will be retained by the Division for the duration of the retention period outlined in this policy.
4. High-profile or exceptional incidents related to law enforcement activities generate the interest of many. However, members shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of any such high-profile or exceptional MVR recording or data without prior authorization of the Director or designee.

E. STORAGE, REPAIR OF MOBILE VIDEO/AUDIO RECORDING EQUIPMENT

1. Members shall report any equipment failure to their supervisor as soon as practical but prior to the end of the member's shift and make arrangements for repair. Members shall never attempt any repair of the equipment that would require going into the internal parts of the unit.
2. Video cameras shall be shaded from the sun and heat whenever possible.
3. Only fuses of a type recommended by the manufacturer will be used with the video equipment.

F. SUPERVISORY RESPONSIBILITIES

Supervisors who manage members equipped with MVR must ensure that:

1. All members follow established procedures for the use and maintenance of MVR equipment, handling of video/audio recordings and the completion of MVR documentation.
2. Monthly, they login to the MVR client and randomly review subordinate's MVR recordings to assist in periodic assessment of member performance, determine whether MVR equipment is being fully and properly used and to identify material that may be appropriate for training.
3. Repairs and replacement of damaged or non-functional MVR equipment is documented and performed.
4. Members who are assigned MVRs are properly uploading/transferring MVR recordings.
5. MVR recordings have event classifications assigned. If a supervisor determines a recording has no classification, the supervisor should assign the proper classification for the recording.
6. Upon learning of an MVR recording with a high-profile or an exceptional incident (e.g., member involved shooting, fatal crash, recording depicting

the killing of a person per § 406.136, Fla. Stat., etc.), the supervisor will ensure the event classification is changed to the proper Review category.

G. TRAINING

1. All members will complete MVR training. The training will include:
 - a. Unit set-up procedures; care and proper cleaning of camera lens.
 - b. Testing of the equipment.
 - c. Operation during patrol.
 - d. Video recording evidence procedures.
 - e. Data file uploading and event classification of recordings.
2. When unusual, exceptional, or felonious incidents are recorded and perceived to be of value as a training aid, the following procedure will apply:
 - a. The member's immediate supervisor will view the recording.
 - b. If the recording is of value for training purposes, and is no longer required as evidence, the supervisor will provide access to the media for the Chief Training Officer at the Florida Highway Patrol training academy.
 - c. Academy staff will review and evaluate a recording segment to determine its training value, and reproduce it if needed.
3. The Florida Highway Patrol training academy will be responsible for reviewing and administering the training process for assuring proficiency of MVR operators. This shall include, but not be limited to:
 - a. Maintaining training records.
 - b. Reviewing training purpose recordings provided by the field.

H. REQUESTS FOR EXHIBIT, DISPLAY AND DEMONSTRATION OF THE MOBILE VIDEO/AUDIO RECORDING

1. All requests for exhibit, display and demonstration of equipment to interested parties shall be directed to the Troop Commander or designee.
2. With the Troop Commander's approval, the Public Affairs Officer shall arrange to have the MVR recording equipment demonstrated to interested judicial personnel and others reasonably affected by its use.